JPRS 80802

13 May 1982

East Europe Report

POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS

No. 2009

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CONTENTS

INTERNATIONAL AFFAIRS

Briefs
Soviet Consul at Krakow Meetings 1

BULGARIA

Role of Navy Staff Specialists Outlined
(Ventseslav Velkov; NARODNA ARMIYA, 19 Feb 82) 2

GERMAN DEMOCRATIC REPUBLIC

State Council Issues New Laws on Social Courts
(NEUES DEUTSCHLAND, 26 Mar 82; GESETZBLATT DER DEUTSCHEN DEMOKRATISCHEN REPUBLIK, 6 Apr 82) 5

Justice Minister Discusses Changes
Law on Social Courts
Resolution on Conflict Commissions
Resolution on Arbitration Commissions

Navy's Ties With Civilian Sponsors Seen 'Mutually Influential'
(Guenter Kutzschebauch; NEUES DEUTSCHLAND, 3-4 Apr 82) 70

Peace Movement in East, West Contrasted
(VORWAERTS, 1 Apr 82) 73

FRG Representative's View, by Guenter Gaus
GDR Writer's Comments

Marshal Rank Created for Armed Forces
(DER SPIEGEL, 19 Apr 82) 77

Causes, Consequences of Marriage Failures in GDR Analyzed
(NEUE ZEIT, 20 Feb, 13 Mar 82) 80

HUNGARY

'TARSADALMI SZEMLE' Analyzes Position, Problems of PZPR
(Istvan Pataki; TARSADALMI SZEMLE, Apr 82) 84

Role of Military Science Discussed
(Laszlo Damo; MAGYAR TUDOMANY, No 1, 1982) 86

POLAND

Military Training Under Martial Law Conditions Discussed
(Franciszek Goral; ZOLNIERZ WOLNOSCI, 3 Feb 82) 92

Scientific Cooperation Between Military, Civilian Sectors Noted
(Tadeusz Pieklo; ZOLNIERZ WOLNOSCI, 2 Feb 82) 96

Civil Defense Preparations of Newly Established Ministry Discussed
(Jerzy Nodzenski Interview; PRZEGLAD OBRONY CYWILNEJ, Mar 82) 99

Results of Research on Social Views of Youth Discussed
(Zenon Kawecki; TRYBUNA LUDU, 6-7 Mar 82) 103

ROMANIA

Agricultural Assistance to African Countries Discussed
(Adrian Rogojeanu Interview; VEAC NOU, Mar 82) 108

New Chief Editor for Cluj-Napoca Cultural Weekly
(Editorial Report) 110

YUGOSLAVIA

Work of Social Supervisory Commissions Described
(Bozidar Pavlovic Interview; MLADOST, 22 Feb 82) 111

Mergers of Commercial Offices Abroad Noted
(Radoje Kontic Interview; ILUSTROVANA POLITIKA, 2 Mar 82).. 117

BRIEFS

SOVIET CONSUL AT KRAKOW MEETINGS--Last Saturday [6 March 1982] there was a meeting of the plenipotentiaries of the National Defense Committee (KOK) at the voivodship, city section, and gmina level with the first secretary of the PZPR Krakow Committee, Krystyn Dabrowa, and the mayor of the city of Krakow, Jozef Gajewicz. The minister plenipotentiary and Consul General of the USSR in Krakow, Georgiy Rudov, also took part in the meeting. The subject of the meeting was the discussion of the current political and socio-economic situation of Krakow voivodship as well as the designation of the main directions of the further work of the KOK plenipotentiaries. The meeting was conducted by commissar and KOK plenipotentiary Gen Leon Sulima. [Text] [Krakow GAZETA KRAKOWSKA in Polish 8 Mar 82 p 2]

CSO: 2600/566

ROLE OF NAVY STAFF SPECIALISTS OUTLINED

Sofia NARODNA ARMIYA in Bulgarian 19 Feb 82 pp 1, 2

[Article by Capt Ventseslav Velkov: "The Staff Specialist and the Ship's Crew"]

> [Text] "Our military establishment needs party people with profound ideological conviction and political experience, people who are most closely related to the servicemen..., who constantly demonstrate their care for their subordinates, respect their human dignity, know their needs and mood, and offer necessary and timely help, people who find their way to the hearts of the servicemen."
>
> Todor Zhivkov

Navy regulation ascribe high responsibility to navy staff specialists for helping the professional development of navy officers, for organizing the combat use of weapons systems and equipment, for their exploitation and repair, for training in a special field, for military discipline, and for the moral-political education of marines and sailors. As a rule, navy staff specialists are officers excellently trained in a certain field, who know to perfection the weapons systems and equipment and possess high organizational skills.

Careful planning of the activities of staff specialists is of great importance for the efficiency of their work. The staffs give them sufficient time to train their subordinate captains and mates in their special field. Long periods of time spent in offices by staff officers is considered incompatible with the execution of their functional duties. Every flagship specialist should carefully consider in his personal daily schedule the concrete problems which he will check, study, or help overcome during his visit to the ship, or during his work in the special laboratory, or during his participation in party-political activity. This will help him achieve excellent results in the work with his subordinates. He can avoid becoming party in his work, a common weakness among staff specialists, by carefully planning his time. Naturally, there are cases when it is necessary that the staff specialist should himself team a class of sailors, conduct a training exercise, or direct a specific repair job. However, these are exceptions. Regardless of his efforts, he does not have the physical ability to replace his subordinate specialists and marine officers, nor should he. His comprehensive work is the chief condition for achieving the desired high results in combat training.

The staff specialist's participation in determining the special training themes is imperative. Here he can show creativity in reporting the educational level reached by officers, sergeants, and sailors. He can also plan forms of work which will secure practical education. Especially important is the role of the staff specialist in improving the methodological skills of captains, in implementing our and the Soviet leading experience in the special field, in educating sailors in strict and precise abiding by exploitational instructions in servicing weapons and equipment. Classes in teaching methods are also used by staff specialists to improve instructors' skills in their classes and in their drills in the special field. There, they share their personal experience as well as the methodological know-how of the whole unit and the navy. The flagship specialist should conduct regular practice sessions in the special field with the specialists from subordinate staffs and with marine officers. Sometimes, when there are great educational differences among the officer in a given subject, it is appropriate to have individual instructions (conferences). Such a form of work, for example, is often used by Officer Christo Dimitrov, and it has contributed to the improved preparation of his subordinate ship mechanics.

The role of staff specialists is especially important in organizing sailing exercises, combat drills and practice in special subjects and tactics. Participating in their planning, they instruct ship captains how to secure higher efficiency by conducting combat practice in conditions closest to real combat conditions, by comprehensive use of the full potential of all weapons systems and equipment. The staff specialist should very carefully analyze the results of these sailing practices so that he can develop proposals and recommendations for improvement of crew training. In analyzing the practice, the staff specialist should strive for precise and realistic conclusions which can form the basis for improvement of the existing regulating documents and for the creation of new ones. He should not be satisfied only to give facts and describe activities, but should make deep analyses.

The continuous active control of combat practice is the staff specialist's responsibility. This includes not only control of the crew's education in the special field, the drills, training and daily maintenance of the equipment, but also control of the officers' knowledge and skills. The exams in all subjects taken by officers in the preparational period, before the first course assignment, are necessary for acquiring better knowledge of weapons and combat equipment, and skills for their intelligent use in practice.

I can point several staff specialists who successfully use the existing conditions to achieve good results in their subject. Such officers are Chr. Dimitrov, Nikov, D. Dimitrov, Milev and Koev.

Along with the successes, there are some weaknesses which are due, most often, to subjective causes. Such weaknesses are the insufficient organization and poor quality of some exercises in the special subject, insufficient use of the laboratories for practice, especially in RTS [radio engineering stations] and

survival skills. The indifference displayed by some captains toward the education of their subordinates in some subjects is another problem. The radiotechnical exercises are underestimated and are not always well organized. The maintenance measures during the scheduled navigational maintenance are not used effectively and sufficiently for improvement of the practical preparation of the crews. A considerable part of the causes for these weaknesses is attributable to the insufficient organizational work and lack of strictness of the staff specialists. Combining organizational work with high discipline and punctuality, the staff specialists should utilize even more fully the great opportunities at their disposal in order to contribute to the improved combat readiness of ship crews.

9804
CSO: 2200/84

STATE COUNCIL ISSUES NEW LAWS ON SOCIAL COURTS

Justice Minister Discusses Changes

East Berlin NEUES DEUTSCHLAND in German 26 Mar 82 pp 4-5

[Address by Hans-Joachim Heusinger, deputy chairman, GDR Council of Ministers, and minister of justice, to Fourth People's Chamber Session held 25 March 1982 in East Berlin: "The System of Laws in the GDR Is Being Developed According to Plan--Hans-Joachim Heusinger on the Law on the Social Courts." Translations of the law on the social courts and the resolutions on conflict and arbitration commissions follow this address]

[Text] The present bill, the speaker explained, completes the legal foundations for the work of the conflict and arbitration commissions, so that the social courts can with still higher social effectiveness make their specific contribution to the further shaping of our society. The desire also is to connect that work still more with forming socialist relations among the citizens and solving demanding economic tasks.

Expanding the authority of social courts belongs to the task of systematically expanding the socialist system of laws in accordance with socialist society's degree of maturation and ensuring law security.

A Great Educational Impact

Based on the new laws, the social courts will make a still greater contribution to strengthening state security, preventing crimes and other law violations, and educating citizens who have become punishable. Their work also aims at protecting, guarding and enforcing the citizens' legally guaranteed rights.

Conflict commissions have been in existence for nearly 30 years and arbitration commissions, for nearly 20. In 1968, the Constitution vested a higher responsibility in the conflict and arbitration commissions. They were incorporated as social courts in our socialist court system. They were given jurisdictional tasks within the legal system.

The social-educational impact of the social courts has become greater from year to year.

In 1981, conflict commissions held more than 65,000 conferences, circa 49,000 of them in their major field of responsibility, labor law. Arbitration commissions held more than 19,000 conferences in 1981. Minor criminal cases handed over to the social courts become part of the crime statistics among us, of course. Citizens use them to clarify their legal affairs of everyday life, and so do the members of the social courts in their deliberations. This activity of explaining the law to prevent conflicts is increasing in tendency. We find that already instances where people express their opinions are on the average twice as frequent as consultations.

The successful work of the conflict and arbitration commissions thus far, their experiences and the stage of social development reached are the basis for their being able to take on new authorizations.

Broadening the social courts' authorizations is part of the purposeful measures for shaping the developed socialist society in the GDR. It is a direct expression of the spreading and perfecting of socialist democracy, the main trend in the further development of our state power.

At present, 26,085 conflict commissions with 229,829 members are at work in GDR enterprises and 5,237 arbitration commissions with 54,290 members, in towns, communities and production cooperatives. Citizens of all classes and strata of our people and representatives of all parties and mass organizations are taking part in the commissions. The membership of the conflict commissions is up to 56.6 percent of working class origin, while the arbitration commissions have a 38.9 percentage of workers and a 17.2 percentage of members of production cooperatives. The women's proportion in the social courts is circa 44 percent.

Commissions Hold a Place of Respect

Involved every day in the shaping of socialist democracy, the more than 280,000 members of the social courts are a significant societal force. For decades, they have successfully taken part in extending and consolidating the socialist system of law. Conflict and arbitration commissions hold a firm place of respect in our jurisprudence. Our life is no longer conceivable without them.

The work of the conflict commissions since 1953 impressively displays the extensive, constitutionally guaranteed rights of the trade unions in the shaping of the socialist system of law in our workers and farmers state. Because of their activity and experiences, the members of conflict and arbitration commissions increasingly promote public activities to enforce socialist legality and ensure order, discipline and security in the combines, enterprises, towns and communities. They take care of much small detail, which is highly to be recognized.

Circa 90 percent of all labor disputes coming in to them is settled by the conflict commissions for good. The proportion of conflict commission cases continued by the kreis courts was only 2 percent of the total. This also generally holds true for arbitration commission rulings.

The purpose of broadening the authorizations of the social courts is to make their public work more effective. The law gives them new opportunities to prevent law violations and disputes. They are getting authorizations which ensure their great

educational influence, reinforce their effect above and beyond considerations of and decisions on individual cases, and thus raise their contribution to the further shaping of the socialist way of life. Their supervisory rights over the implementation of their rulings are being broadened to continue the educational process that started in their deliberations.

Broadening the social courts' authorizations requires managerial improvements for them. The proven forms and methods of management, training and support, and the relevant tasks by the authorized organs were further developed so that they meet the growing demands made on the social courts.

More Intelligible and Understandable

One concern of the law on social courts has been to make the regulations more intelligible and understandable. The clear arrangements of the new regulations attests to that.

The bill defines the tasks, the composition, the election, the competencies, the working principles and the management of the social courts. The law and the resolution on the activity of the conflict commissions--conflict commission order--and the resolution on the activity of the arbitration commissions--arbitration commission order--, all ratified by the State Council, determine the further development of the social courts.

The broadening of authorizations proposed in the bill is expressed, particularly, by the following: The members of the social courts are directed at more strongly assisting citizens looking for counsel through talking with them so as to clarify legal affairs and in enforcing legally guaranteed rights, advising them on the fulfilment of legal obligations and helping explain legal regulations.

Leisure-time Work of Public Benefit

The objective competency in plain civil suits among citizens making monetary claims is raised from M 500 to M 1,000. Social courts are getting the authority to make final decisions on civil matters in dispute among citizens on their own, as requested by the moving party. Previously, that had not been possible under law. Trade union participation is intended in conflict commission sessions on labor disputes, in support of the working people exercising their rights. Through further diversification and an objective extension of educational measures, additional opportunities are created for boosting their educational influence. Monetary fines, e.g., are set at a maximum of M 500.

Citizens under indictment, who have committed crimes or irregularities which have destroyed or damaged places or values for public use may, in sessions of the social courts about such law violations, now also demonstrate their probationary and compensatory potential by declaring themselves willing to perform for public benefit during their leisure-time.

The social courts' right to supervise the implementation of their decisions is further broadened. As the result of their deliberations they may decide that citizens report back to them on the implementation of educational measures or, when fines are levied, bring evidence that payment has been made.

These courts also get a broader competence to make recommendations on eliminating causes and conditions for law violations. This they may do not only in consequence of a session but even of consultations. Thus these recommendations can become more of a useful instrument in affecting the enforcing of order, discipline and security.

Improving the effectiveness of court activity is an overall social and political task. It calls for steady and skillful direction and assistance for the conflict and arbitration commissions, in line with the basic political concern to expand rights, by the organs responsible for it. There is more detail also on how enterprise trade union managements can exercise their responsibility for regularly instructing the conflict commissions and training their members.

It is also being brought out clearly how FDGB kreis executive committees generalize good experiences in the work of the conflict commissions and improve their effectiveness. It is furthermore set down that the local people's representations and their councils get regular reports from the arbitration commissions, analyze their experiences and support their activity. Also the tasks of the commissions of the National Front of the GDR have been made more specific. They are being directed at making better use of the experiences in the activity of the arbitration commissions for their political mass activity to ensure order, discipline and security in the towns and communities.

Unsalaried Service Warrants Recognition

The activities and dedication of the members of the social courts warrant high recognition. The present bill therefore calls for paying tribute to the meritorious work of the conflict and arbitration commissions and specific members of them.

Women and men who are doing exemplary work and have vital experience, and are highly respected and appreciated on their jobs and in their residential areas, and are now doing successful work to improve the social effectiveness of our socialist law, are working on these social courts. I should like to express my own gratitude and appreciation to all members of the conflict and arbitration commissions from this rostrum in this great place.

This bill was prepared in direct and comradely cooperation with the FDGB National Executive Board and the National Council of the National Front of the GDR. It is the outcome of extensive preliminary efforts in which members of conflict and arbitration commissions, scientists, and representatives of central state organs and social organizations took part.

Law on Social Courts

East Berlin GESETZBLATT DER DEUTSCHEN DEMOKRATISCHEN REPUBLIK in German Part I No 13, 6 Apr 82 pp 269-274

[Official Text of "Law of 25 March 1982 on the Social Courts of the German Democratic Republic," signed 25 March 1982 by Erich Honecker, chairman, GDR State Council]

[Text] Chapter I

General Provisions

Article 1

(1) Social courts are the conflict commissions and arbitration commissions.

(2) This law defines the tasks, the formation, the election, the competencies, the principles of the working method and the management of the social courts.

(3) The activity, working method and support of the conflict and arbitration commissions are more closely defined by State Council resolutions. For the conflict commissions, the FDGB National Executive Committee has the right to make recommendations.

(4) Social organs of jurisprudence in terms of the Penal Code, the code of criminal procedure and other law regulations are social courts in terms of this law.

Article 2

(1) The social courts exercise jurisdiction within the scope of the tasks assigned to them by law. In all their activity they counter causes and conditions that may give rise to litigation and law violation.

(2) The members of the social courts are elected, report on their activity, and may be recalled.

(3) The members of the social courts are independent in their jurisdiction. They are accountable only to the Constitution, the laws and other law regulations of the GDR.

Article 3

(1) The activity of the social courts promotes public activities to enforce socialist legality and ensure order, discipline and security in the combines, enterprises, towns and communities. It is aimed at
--protecting the socialist state and social order and socialist property;
--protecting, guarding and enforcing the citizens' rights and interests guaranteed under law; and
--reinforcing the citizens' socialist state and legal consciousness, encouraging their readiness to abide by socialist law voluntarily, and strengthening their intolerance to conduct that is socially inappropriate.

(2) The conflict commissions convey their activities' experiences to the enterprise managers and the enterprise trade union managements. Thereby they assist the managers in their assuming the responsibility for enforcing socialist legality and ensuring order, discipline and security, and the trade unions in their exercising their rights of participating in the shaping and implementation of socialist labor law and exercising social controls on its being observed.

(3) The arbitration commissions convey their activities' experiences to the local people's representations and their organs in the towns and communities, the commissions of the National Front of the GDR, and the boards of the production cooperatives. They thereby assist them in their exercising their responsibility in enforcing socialist legality and ensuring order, discipline and security in their domain.

Chapter II

Formation and Election

Article 4

The Forming of Conflict Commissions

(1) Conflict commissions are set up in state-owned enterprises and those that are equivalent to them, in institutions of public health, culture and public education, in communal institutions of vocational training, in agricultural cooperative institutions, in state organs and institutions and in social organizations with a work force higher than 50 persons. In establishments with fewer than 50 persons employed, conflict commissions may be set up provided they have an enterprise trade union organization.

(2) Conflict commissions are set up, in accordance with public requirements, in agricultural and horticultural production cooperatives which have trade union organizations. They take care of citizens under labor contracts.

(3) A conflict commission will normally handle the affairs of no more than 300 persons employed. With respect to this, the responsibilities of the enterprise trade union management have to be taken account of.

(4) The enterprises, institutions, organs, organizations and production cooperatives referred to in sections 1 and 2 are enterprises in terms of this law.

Article 5

The Forming of Arbitration Commissions

(1) Arbitration commissions are set up in towns and communities. In accordance with public requirements, arbitration commissions are set up in agricultural and horticultural production cooperatives and in fishermen and artisan producer cooperatives.

(2) The kreis assembly, the city kreis assembly in city kreises or the city-district assembly in cities with city-districts determine in which of their territories arbitration commissions are to be set up. When making those territorial determinations, it must be made sure that the citizens can properly exercise their rights before an arbitration commission. Consideration has to be given in particular to the number of inhabitants, the territorial range and transportation conditions. In cities the area of responsibility of an arbitration commission shall not as a rule embrace more than 8,000 inhabitants.

(3) The councils of the kreises, cities and city-districts, with respect to the criteria set down under section 2, when populations figures change significantly, have to prepare in the arbitration commissions' fields of activity resolutions for their people's representations on changes in these areas. Doing so, they work together with the commissions of the National Front of the GDR.

Article 6

Electoral Principles

(1) The membership of social courts is to be made up of citizens who are models of public and personal conduct and enjoy respect and trust. They are eligible if on the election day they have attained the age of eighteen.

(2) The members of the social courts are elected directly by citizens or local people's representations.

(3) The members of the social courts are solemnly committed after their election to making fair and unbiased decisions and devoting all their strength to the implementation of socialist legality and the consolidation of order, discipline and security. They receive a written certification on having been elected.

(4) The members of the social courts elect their own chairman and one or more deputies.

(5) The members of the social courts report to their constituencies on the fulfilment of the tasks assumed by their election.

(6) The members of the social courts in the enterprises and production cooperatives may be recalled by their constituencies, those in the cities and communities, by the people's representations that elected them, if they violate the Constitution or the laws or otherwise grossly violate their duties. They also can be recalled if for health or other reasons they are no longer able to engage in their activity.

The Election of the Conflict Commissions

Article 7

(1) In exercise of their constitutionally guaranteed rights, the trade unions organize the election of the members of the conflict commissions. The FDGB National Executive Committee makes the necessary arrangements for preparing and conducting the election.

(2) The enterprise trade union managements are responsible for preparing and conducting the election. The enterprise managers create the objective prerequisites for it.

(3) The candidates for the conflict commissions are nominated in the trade union groups and proposed by the enterprise trade union managements in meetings of the working people.

Article 8

(1) The members of the conflict commissions are elected by the members of the enterprise on the principles of trade union elections on secret ballots for the duration of the election period of the trade union boards and managements.

(2) Betweeen 8 and 15 members are elected for a conflict commission. In enterprises with a work force of fewer than 100 persons, the number of members may be reduced to six.

(3) The commitment of the elected members of conflict commissions (Article 6 section 3) is handled by the enterprise trade union managements.

Article 9

By-election

(1) A by-election of members is to be held if a regular activity of conflict commissions is no longer ensured. In such cases, the requisite measures are taken by the enterprise trade union managements.

(2) The preparation and conduct of the by-election proceed in accordance with Articles 6 and 8 of this law.

The Election of the Arbitration Commissions

Article 10

(1) The minister of justice makes arrangements needed for preparing and conducting the election of the members of the arbitration commissions.

(2) The people's representations in the cities, city-districs and communities, and the boards of the production cooperatives are responsible for preparing and conducting the election.

(3) The candidates for the arbitration commissions are proposed by the democratic parties and mass organizations in the cities and communities and, in the production cooperatives, by their boards.

(4) The commissions of the National Front of the GDR list the candidates for the arbitration commissions as proposed by the democratic parties and mass organizations in the cities and communities and submit these election proposals to the municipal council, the council of the city-district or the communal council.

(5) Those who are entitled to make these proposals also are the ones to decide on any objections against particular candidates.

Article 11

(1) The members of the arbitration commissions are elected in the cities and communities by the authorized local people's representations, in the production cooperatives, by their members, for the duration of the election period of the local people's representations.

(2) Between 8 and 15 citizens are elected for an arbitration commission. In exceptional cases, the number of members may be reduced to six or raised to twenty.

(3) If the kreis assembly has decided to form a joint arbitration commission for several communities, each communal representation elects the members residing in its area.

(4) The committing of the elected members of the arbitration commissions (Article 6 section 3) is handled by the election manager.

Article 12

By-election

(1) A by-election of members is to be held if a regular activity of arbitration commissions is no longer ensured. In such cases, the requisite measures are taken by the councils of the cities, city-districts and communities and the boards of the production cooperatives.

(2) The preparation and conduct of the by-election proceed in accordance with Articles 6, 10 and 11 of this law.

Chapter III

Competence, Working Method and Decisions

Objective Competence

Article 13

(1) The conflict commissions consider and decide on
--Labor law litigations including innovator claims;
--investigations handed over by the investigative organs, the public prosecutor or the courts;
--misdemeanors;
--irregularities when handed over by those in charge of disciplinary action;
--infringements of mandatory schooling; and
--plain civil litigation between citizens or between an enterprise and members thereof.

(2) A conflict commission hands a case of labor litigation over to the kreis court if prior to handling the case the public prosecutor or the FDGB kreis executive committee have requested kreis court jurisdiction or the director of the kreis court has brought the case to the kreis court.

(3) Labor litigations are handled by the kreis court without previous appeal to the conflict commission if that is provided for by other legal regulations.

Article 14

The arbitration commissions consider and decide on
--Plain civil litigations among citizens and plain civil litigations and other litigations, including such as related to innovator rights, between production cooperatives and their members, insofar as that is provided for in laws and other legal regulations;
--investigations handed over by the investigative organs, the public prosecutor or the courts;
--misdemeanors;
--irregularities when handed over by those in charge of disciplinary action; and
--infringements of mandatory schooling.

Article 15

The social courts consider and decide on other litigations and law violations when the law calls for it.

Article 16

Local Competence

(1) The conflict commissions are authorized to consider and decide on labor litigations between members of enterprises and their enterprises. In other cases, they are authorized when the plaintiff or accused are members of the enterprise.

(2) The arbitration commissions are authorized to consider and decide cases when the plaintiff or accused reside or work in their area of responsibility. If only the plaintiff resides in their area of responsibility, they may take on the case, provided the major weight of the conflict pertains to their area and no considerable expenditures are anticipated for considering the case.

(3) If several accused citizens are answerable to charges of a disciplinary nature, misdemeanor or irregularities, and for several of these citizens the legal prerequisites are given for assigning the case to a social court, either the conflict commission is authorized in the area of which the violation was committed or an accused citizen works, or the arbitration commission in the area of which the law violation was committed or an accused citizen resides or works.

(4) If those who have the parental right to educate are jointly answerable to the charge of having violated mandatory schooling, the case goes to the social court in the area of which a person with the parental right to educate works or resides. Young persons are answerable to the same social court for having violated their mandatory schooling as the persons with the parental right to educate them, or to the social court in the area of which they reside, work or receive vocational training.

Working Method

Article 17

(1) The members of the social courts give information to citizens asking for advice, help them in clarifying legal matters and assist in explaining law regulations.

(2) The members of social courts are entitled to hold discussions to avoid or settle litigations and law violations.

Article 18

(1) The social courts consider and make decisions upon request or being charged with making decisions.

(2) The social courts consider or make decisions as a collective organ with at least four members in attendance.

(3) Social courts hold their sessions in public.

(4) To make decisions, the social courts have to determine the essential facts of a case.

(5) Each attendant of a session is entitled to help settle a conflict by questions and suggestions. The social courts have to hold their sessions in such a way that this right can extensively be exercised.

(6) Petitioners, respondents and accused citizens are obligated to appear in person before the social courts. They are entitled to legal council prior to the session, particularly by the trade unions, the kreis courts, and attorneys.

(7) The social courts are entitled to supervise the fulfilment of their decisions.

Article 19

Decisions and Appeal

(1) The social courts decide, by resolution, on claims and settlements, on there being a law violation and on pronouncing educational measures.

(2) Appeals are possible against social court decisions. Appeals are settled by the kreis courts.

(3) Social court decisions may be altered or rescinded only under legal prerequisites and in legally defined ways and means.

Article 20

Educational Measures

(1) In charges of a disciplinary nature, misdemeanor, irregularities, infringement of mandatory schoolingand of socialist work discipline, the conflict and arbitration

commissions may diversely set down, within the following scope, these educational measures:
1. Endorsement of the citizens' obligation to apologize to the injured party or the collective, or imposing such an obligation on them.
2. Endorsement of the citizens' obligation to pay monetary compensation in conformity with legal regulations or repair the damage by their own work, or imposing such an obligation on them.
3. Endorsement of the citizens' obligation to do up to 20 hours of unpaid work in their leisure time for the common benefit.
4. Endorsement of other obligations of the citizens aimed at developing, promoting and ensuring conduct commensurate with socialist law.
5. A citizen is reprimanded.
6. A citizen is charged a fine between M 10 and M 500.

(2) Social courts may endorse obligations for work collectives, housing communities, another type of collective or individual citizens to educate the law violator.

(3) Arbitration commissions, to ensure their regulatory activity, may levy fines up to M 50.

Article 21

Recommendations

(1) In the outcome of their deliberations and discussions, social courts make recommendations to eliminate causes and conditions determined for litigations and law violations and to do away with irregularities and illegalities.

(2) Enterprise managers being recipients of such recommendations have to respond to them in writing within 2 weeks.

(3) Social courts are entitled to check on the implementation of their recommendations.

Chapter IV

Management

Article 22

Tasks of the Central Organs

(1) The Supreme Court, in its responsibility for directing the courts' jurisdiction, ensures uniformity in the social courts' legal activity and in the legal supervision and enforcement of their decisions.

(2) In exercise of the constitutional rights of trade unions, the FDGB National Executive Committee ensures regular briefings for the conflict commissions and training for their membership, an analysis of the activity and public efficacy of the conflict commissions, and a generalization of their best experiences.

(3) The minister of justice ensures regular briefings for the arbitration commissions and their membership's training, an analysis of the activity and public efficacy of the arbitration commissions, and a generalization of their best experiences.

(4) The Supreme Court, the FDGB National Executive Committee and the minister of justice coordinate their activity in directing the social courts. In implementation of their tasks, they work together with the general prosecutor, the minister of interior and chief of the German People's Police and the National Council of the National Front of the GDR.

(5) The FDGB National Executive Committee, the minister of justice, the president of the Supreme Court, and the general prosecutor have the right to request the Supreme Court to issue guidelines and resolutions on ensuring a uniform administration of law in the activity of the social courts.

Article 23

Tasks of the Kreis Courts

(1) The kreis courts ensure in their territory the uniform administration of law in the activity of the social courts. They fulfil tasks in enforcing social court decisions.

(2) The kreis courts conduct the regular briefings for the arbitration commissions and the training of their members, analyze the activity and public efficacy of the arbitration commissions, and generalize their best experiences.

(3) In briefing the arbitration commissions, the kreis courts work together with the public prosecutor and the competent precincts of the German People's Police, the local people's representations and their organs, the commissions of the National Front of the GDR, and the FDGB kreis executive committees.

(4) The kreis courts assist the trade unions in briefing the conflict commissions and training their members.

Article 24

Tasks of the Bezirk Courts

Bezirk courts ensure in their territory a uniform administration of law in social court activity. They make sure that the kreis courts meet their responsibilities to the social courts.

Article 25

Advisory Councils for Arbitration Commissions

(1) Advisory councils for arbitration commissions are set up under kreis and bezirk court direction.

(2) The arbitration commissions' advisory councils are consultative organs of the director. An advisory council is run by the director or his deputy. The advisory council is composed of representatives of the office of the public prosecutor, of the competent German People's Police precinct, of the kreis or bezirk council, the kreis or bezirk commission of the National Front of the GDR, the FDGB kreis or bezirk executive committee, and arbitration commission chairmen. The director appoints the arbitration commission chairmen to the advisory council.

(3) The advisory council advises and assists the director in the following tasks:
--Ensuring a uniform administration of law in arbitration commission activity;
--promoting public efficacy in arbitration commission activity;
--training arbitration commission membership;
--guiding the law propaganda activity of the arbitration commission membership; and
--providing efficient arbitration commission cooperation with the local people's representations and their organs and with the commissions of the National Front of the GDR, especially for ensuring order, discipline and security in the cities and communities.

Article 26

Tasks of the Public Prosecutor's Office

The public prosecutor's office works together with the social courts. It checks their decisions, raises objections against unlawful decisions and analyzes, jointly with the social courts, the results of such checks. The public prosecutor's office assists the trade unions and courts in their directing the social courts by means of regular instructions and in training their members.

Article 27

Tasks of the Local People's Representations and Their Councils

(1) The people's representations and their councils in the kreises, cities, city-districts and communities, in cooperation with the kreis court, the competent trade union executive committees and managements, the public prosecutor's office, the competent German People's Police precincts, and the commissions of the National Front of the GDR, ensure the analysis of the social courts' experiences for extensively fighting against and preventing crimes and other law violations. Together with the other organs referred to, they inform the social courts about problems in the development of public life in their area of responsibility.

(2) The people's representations and their councils in the cities, city-districts and communities receive regular arbitration commission reports, analyze their experiences and assist them in their activity.

(3) The councils of the cities, city-districts and communities have to
--create the objective prerequisites for arbitration commission activity;
--take care at once of the fines and disciplinary measures pronounced by the social courts, arrange for the necessary measures for scheduled payments and, in case fines become overdue, apply to the kreis court for pronouncing on their effect and execution in accordance with the code of civil procedure; and

--take care of the obligation assumed, as endorsed by the social courts, for performing unpaid work for public benefit during leisure.

Article 28

Tasks of the Enterprise Trade Union Managements

(1) Enterprise trade union managements work closely together with the conflict commissions. They assume their responsibility for regularly briefing the conflict commissions and training their members in particular by organizing the members' training, receiving conflict commission reports, analyzing their activity and public efficacy, and generalizing the best experiences.

(2) Enterprise trade union managements are assisted in fulfilling those tasks by the enterprise managers and the executive associates in the enterprise. Together with the enterprise managers and the executive associates of the enterprise, they regularly analyze conflict commission activity experiences and see to it that use of them is made for improving management activity in the enterprise.

Article 29

Tasks of the Enterprise Managers

(1) Enterprise managers have to assist the conflict commissions in every way and inform them on development problems in the enterprise as of concern to their activity. The general directors of the combines and the enterprise managers analyze conflict commission experiences and use them to improve management activity. In this, they work together with the enterprise trade union managements.

(2) Enterprise managers have to create the objective prerequisites for conflict commission activity in their enterprise.

Article 30

Tasks of the FDGB Kreis and Bezirk Executive Committees

(1) FDGB kreis executive committees exercise their responsibility for regularly briefing the conflict commissions and training their members particularly by generalizing good experiences of the conflict commission activity by means of training, law conferences, experience exchange and analyses, so as to improve their activity. They see to it that the enterprise trade union organizations and their organs fulfil their responsibilities to the conflict commissions.

(2) FDGB kreis executive committees are assisted in the fulfilment of these tasks by the public prosecutor's office and the kreis courts. They work together with the local people's representations and their organs and with the competent German People's Police precincts.

(3) FDGB bezirk executive committees see to it that the FDGB kreis executive committees fulfil their responsibilities to the conflict commissions.

Article 31

Tasks of the Commissions of the National Front of the GDR

(1) Commissions of the National Front of the GDR in the cities and communities work together with the arbitration commissions and promote the efficacy of their activity. They inform the arbitration commissions on the development of the citizens' socialist communal life and assist housing communities in assuming educational tasks.

(2) Commissions of the National Front of the GDR in the cities and communities use the experiences of arbitration commissions activity for political mass activity to ensure order, discipline and security in the cities and communities.

Article 32

Tasks for Production Cooperative Boards

(1) Production cooperative boards have to support the social courts' activities and analyze their experiences.

(2) The boards have to create the objective prerequisites for the activity of the social courts.

Article 33

Paying Tribute to the Activity of the Social Courts

(1) The trade union executive committees and managements and the commission of the National Front of the GDR are entitled to submit proposals for paying tribute to the activity of the conflict and arbitration commissions or to pay such tribute themselves.

(2) Enterprise managers, councils of the local people's representations, the public prosecutor's office and the courts pay tribute to the meritorious activity of conflict and arbitration commissions and individual members of theirs.

(3) Such tribute is paid, in particular, by letters of appreciation, premiums in goods and money, certificates of honor from the FDGB National Executive Committee and the minister of justice, distinctions from the National Front of the GDR, the awarding of pins of honor from the organs of jurisprudence or the medal of merit in jurisprudence, and other public and state distinctions.

Chapter V
Final Provisions
Article 34
Penal Code Amendments

The Penal Code of the GDR, of 12 January 1968 (GBL, Part I, No 1, p 1) in the .e-vision of 19 December 1974 (GBL, Part I, 1975, No 3, p 14) and in the version of the second criminal code amendment of 7 April 1977 (GBL, Part I, No 10, p 100) and the third criminal code amendment of 28 June 1979 (GBL, Part I, No 17, p 139) is amended as follows:

Article 29 section 1 is given the following version:
"(1) Public organs of jurisprudence, upon deliberating on offenses, may set down the following educational measures:
1. Endorsed is a citizen's obligation to apologize to the injured party or the collective, or this kind of obligation is placed upon him.
2. Endorsed is a citizens' obligation to pay for the damage, in conformity with legal regulations, or repair it through his own work, or this kind of obligation is placed upon him.
3. Endorsed is the citizen's obligation to perform up to 20 hours of unpaid work for public benefit during his leisure-time.
4. Endorsed are other obligations of the citizen aimed at developing, fostering and ensuring conduct in conformity with socialist law.
5. The citizen is given a reprimand.
6. The citizen is obliged to pay damage between M 10 and M 500."

Article 35

Amendment to the Law of Fighting Against Irregularities

The law of 12 January 1968 on fighting against irregularities (GBL, Part I, No 3, p 101) in the version of the foreign exchange law of 19 December 1973 (GBL, Part I, No 58, p 574), the penal code amendment law of 19 December 1974, the adaptation law and the law on fighting against irregularities (GBL, Part I, No 64, p 591) and the third criminal law amendment of 28 June 1979 (GBL, Part I, No 17, p 139) is amended as follows:

Article 31 section 2 is given the following version:
"(2) Under these considerations, such irregularities may be assigned which are directly related to an offender's activity in the enterprise or harm socialist communal life in a town or community, and amount to violations against public order and security, state and economic management measures locally, against legal regulations for labor, health, fire and environmental protection, and against leisure-time regulations."

Article 36

Coming Into Force

(1) This law goes into force on 1 January 1983.

(2) Rescinded are at the same time the 11 June 1968 law on the social courts of the GDR (GBL, No 11, p 229) and Article 206 of the 19 June 1975 law on court procedure in civil, family and labor law cases (GBL, Part I, No 29, p 533).

The above law, ratified by the People's Chamber of the GDR on 25 March 1982, hereby is promulgated.

Resolution on Conflict Commissions

East Berlin GESETZBLATT DER DEUTSCHEN DEMOKRATISCHEN REPUBLIK in German Part I No 13, 6 Apr 82 pp 274-283

[Official text of "Resolution of German Democratic Republic State Council of 12 March 1982 on the Activity of the Conflict Commissions--Conflict Commission Order," signed 25 March 1982 by Erich Honecker, chairman GDR State Council, and Heinz Eichler, secretary, GDR State Council]

[Text] Table of Content	Articles
I. Working Method of the Conflict Commissions	1-17
--Discussions and Requests	1
--Preparing Deliberations	2-4
--Conducting Deliberations	5-10
--Concluding Deliberations	11-14
--Measures to Strengthen Effectiveness	15-17
II. Fields of Activities of the Conflict Commissions	18-52
--Considering Cases of Labor Litigation	18-24
--Considering Transgressions	25-30
--Considering Misdemeanors	31-39
--Considering Irregularities	40-44
--Considering Infringements of Mandatory Schooling	45-49
--Considering Plain Civil Litigations	50-52
III. Appeals and Enforcing Decisions	53-59
--The Right of Appeal	53
--Deciding on the Appeal	54-56
--Enforcing the Decision	57-59
IV. Special Provisions	60-61
--The Decisions' Range of Effect	60
--Accountability of the Members of Armed Organs	61
V. Support for the Conflict Commissions	62-66
--Tasks of the Enterprise Managers	62
--Objective Prerequisites for the Activity	63
--Reimbursement	64
--Support Obligation	65
--Storing and Delivering Documents	66
VI. Final Provisions	67

In accordance with Article 1 of the 25 March 1982 Law on the Social Courts of the GDR (GBL, Part I, No 13, p 269), as proposed by the FDGB National Executive Committee, the following is resolved:

I.

Working Method of the Conflict Commissions

Article 1

Discussions and Requests

(1) The conflict commission or individual members advise working people in their field of activity who ask for advice in clarifying legal matters and in enforcing legally guaranteed rights and offer them recommendations on meeting legal obligations. They help explain legal regulations.

(2) A conflict commission or individual members receive written or oral requests for a discussion and a decision. Of oral requests the conflict commission has to make a written record.

(3) In plain civil litigations or in cases of libel, slander or illegal entry, a conflict commission or individual members also may conduct, prior to considering the case, discussions with the applicant and respondent or the accused citizen. Unless the matter is settled by the discussion, the case has to be considered.

(4) If in the outcome of discussions obligations are assumed, a written record of them has to be made.

(5) In conjunction with discussions, the conflict commission may make recommendations (Article 16).

(6) In cases of labor litigation, transgressions, misdemeanors against property, irregularities and the infringement of mandatory schooling, a consultation has to take place when the case is petitioned or handed on.

(7) The conflict commission keeps a record on its activity and written records on the various consultations.

Preparing Deliberations

Article 2

(1) The conflict commission checks whether the request or the decision to pass it on comply with legal requirements. It prepares its deliberations in such a way that the facts of the case basic to the litigation can be discussed and clarified in every way.

(2) The chairman, through concurrence with the members, sets down the measures needed for it. They obtain the information necessary for setting up deliberations, adduce the necessary documentation and familiarize themselves with the legal regulations applying to the case.

(3) Conflict commission deliberations have to be held within 4 weeks after the receipt of the request or its being handed on. If that time frame is exceeded in exceptional cases, the reasons for it have to be set down in writing.

Article 3

(1) The chairman sees to it that at least one week prior to the scheduled deliberations, their subject matter, time and place are publicly announced.

(2) The applicant, the respondent, the accused citizen and other citizens and representatives of state organs whose attendance is required to settle the case have to be invited suffficiently ahead of time so they know about the deliberations for at least one week. Their attendance is mandatory.

(3) The respondent or accused citizen have to be informed in the invitation of the substance of the request or the order to pass it on.

(4) To enhance the efficacy of the deliberations, the conflict commission may invite representatives of the enterprise, of state organs, of the managements of social organizations and other social forces.

(5) Jointly with the competent enterprise trade union management and the shop steward, the conflict commission sees to it that, particularly, the work collective is in attendance during the deliberations.

Article 4

(1) If the applicant or respondent is an adolescent, the persons with the parental right of education also have to be invited. If necessary, the representatives of the youth-aid organs, the school, the enterprise and the youth organization should be summoned.

(2) When an adolescent is the accused, the persons with the parental right of education and the representatives of the school, the enterprise and the youth organization also should be summoned. If necessary, representatives of the youth-aid organs should be brought in.

Conducting Deliberations

Article 5

(1) The conflict commission deliberates and decides with at least four members in attendance.

(2) Deliberations are directed by the chairman or a deputy. If both are absent or it is suitable for objective reasons, another member may be asked to chair the session.

(3) The outcome of the session is to be set down in writing. The recording secretary need not be a member of the conflict commission.

Article 6

(1) A conflict commission member is barred from considering and deciding a case if
--as the applicant or respondent or accused citizen, he is drawn into the deliberations or was injured by the law violation, or
--he is the spouse or a close relative of the applicant, respondent, the accused citizen or the injured party.

(2) Reservations taken to a member's attendance by the applicant, the respondent, the accused citizen or the injured party, are settled for once and for all by the conflict commission. Such objections are admissible up to the start of the session. If justified, such a member can then not take part in the session and decision.

Article 7

(1) Conflict commission sessions are public and are normally held outside working hours. Sessions have to be held with the applicant, the respondent or the accused citizen in attendance.

(2) The conflict commission may summon citizens who are not members of the enterprise, if it is required for settling the case.

Article 8

(1) The conflict commission is under the obligation to ascertain the facts of the case pertinent to decision-making and the causes and conditions for the suit or violation. To the extent that it is required for decision-making, it must inform itself about the personal and economic circumstances of the applicant, the respondent or the accused citizen.

(2) In assessing the accountability of an adolescent for a transgression, misdemeanor, irregularity or infringement of mandatory schooling, the characteristics of his conditioned by his development have to be taken into consideration.

(3) The members of the conflict commission, the applicant, the respondent and the accused citizen, as well as all others who take part in the session, are entitled to present their conception of the case, the causes and conditions for the suit or offense, on the citizen's conduct and on settling the case.

(4) The competent enterprise trade union management, the shop steward of the trade union group and representatives of the work collective have the right to present the view of their collectives.

Article 9

When transgressions or misdemeanors are under consideration, plain civil litigations that are connected with it (Article 50) may, on request, be drawn into it, provided no further preparations are required for explaining them.

Article 10

(1) If an applicant or respondent fails to appear for a labor litigation session, it must be rescheduled. The same applies to nonappearance in cases of transgressions, misdemeanors, irregularities or the infringement of mandatory schooling on the part of the accused citizen.

(2) The conflict commission, aided by the competent enterprise trade union management, the shop steward and the work collective, shall make sure that the applicant, the respondent or the accused citizen appear at the rescheduled session. Summons must point out the consequences of a repeated failure to attend (Articles 24, 30, 36, 44 and 49).

Concluding Deliberations

Article 11

(1) In the outcome of its deliberations, the conflict commission decides by resolution on the claim, the settlement or the existence of a law violation and the pronouncing of educational measures.

(2) The conflict commission also decides by resolution when the case is dropped, the claim unjustified, a settlement cannot be accepted because it contradicts the principles of socialist law, or no law violation is found to exist.

(3) In the outcome of its deliberations, the conflict commission may make recommendations (Article 16).

Article 12

(1) The conflict commission's decision is made in public. Through an allround explanation and clarification of the facts of the case, all preconditions should be created for unanimous decisions.

(2) If in an exception no unaninity is obtainable, a decision carries if most of the members of the conflict commission attending the session agree.

(3) The decision is to be announced in the session.

Article 13

(1) A decision contains
--time and place of the session,
--the names of the conflict commission members who made the decision,
--the name, age, occupation and address of the applicant and the respondent or the accused citizen,
--the petitions,
--a brief account of the facts of the case ascertained with the facts and reasons on which the decision bases itself,
--the decision arrived at through deliberations, and
--the reference to the possibility of appeal against the conflict commission decision and the writ of execution.

(2) The decision is to be signed by the session chairman and to be sent within two weeks to the applicant and the respondent or the accused citizen by registered mail.

(3) A copy of the decision has to be sent within two weeks to the kreis public prosecutor and, in case the case was passed on, to the organ from which it came. If the decision provides for a monetary fine or for an obligation to do work for the common good during leisure-time, the local council also gets a copy (Article 57 sections 2 and 3).

(4) Conflict commission decisions are not entered in personal records.

Article 14

(1) No dues are charged for conflict commission activity.

(2) About reimbursing applicants, respondents, accused citizens, injured parties and citizens summoned to clarify the case, the conflict commission decides by decree in conformity with legal provisions in force.*

Measures to Strengthen Effectiveness

Article 15

(1) To the extent necessary, the conflict commission brings an influence to bear on extending the educational process started during the session with help from social forces, mainly from the work collective.

(2) During its session, the conflict commission may decide that its decision, once it comes into effect, is publicly announced in a suitable manner in the enterprise for a certain period, at most for one week, if this reinforces its educational effect.

(3) The conflict commission supervises the implementation of its decisions. In the outcome of deliberating on transgressions, misdemeanors, irregularities and infringements of mandatory schooling, it may order citizens to report on their fulfilling the obligations contained in the decision and, in case of monetary fines, to provide payment evidence.

(4) Citizens' appearance before the conflict commission, to report, is compulsory.

(5) If the conflict commission ascertains that a citizen fails to fulfil educational measures contained in a decision, the chairman may schedule another session (Article 57 section 4).

(6) If a citizen loses his labor contract within 6 months after the session, the conflict commission may decide to send a copy of the decision to the enterprise trade union management of the new enterprise to ensure that educational measures will be enforced there as well.

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*Right now are in force: for labor cases Article 305 section 2, Labor Code; for transgressions, misdemeanors, irregularities and infringements of mandatory schooling Articles 363 section 1 and 364 section 1, Penal Code; for plain civil suits, Articles 174 sections 1 and 2 and 175 sections 1 and 2, Code of Civil Procedure.

Article 16

(1) If the conflict commission ascertains causes and conditions for legal litigations or violations, it makes recommendations to the managers of enterprises, combines, state and economic management organs and institutions, production cooperative boards and the managements of social organizations. The recommendations are intended to help solidify order, discipline and security. The recommendations are to offer suggestions for eliminating causes and conditions for legal litigations or violations and overcoming deficiencies and illegalities.

(2) Recommendations are to be submitted to the recipients within two weeks.

(3) The managers or organs to which a recommendation was addressed have to inform the conflict commission within two weeks on what was initiated in response to the recommendation or for what reason it cannot be accepted.

(4) If this obligation is not followed or a recommendation is not responded to without cause, the conflict commission may inform the next-higher manager or organ about it and demand that the person so obligated, in conformity with section 3, take a position on the recommendation. If through the neglect of a recommendation illegalities continue, the kreis public prosecutor will be informed about it.

Article 17

(1) The conflict commission checks on the implementation of the recommendations it makes. The enterprise manager, the executive associates of the enterprise and the enterprise trade union managements assist the conflict commission in such supervision.

(2) The enterprise managers, executive associates and enterprise trade union managements have to report about the implementation of the recommendations in meetings of the working people.

II.

Fields of Activities of the Conflict Commissions

Considering Cases of Labor Litigation

Article 18

(1) The conflict commission considers and decides on litigation between working people and the enterprise concerning the existence and implementation of rights and duties of the labor contract. It is authorized to handle litigations in labor law claims in accordance with the Labor Code and other labor law regulations including general labor codes, contracts of enterprise collectives and labor regulations.

(2) The conflict commission considers and decides on, particularly,
--suits over the signing, modification or cancellation of labor contracts as well as enterprise assessments and performance ratings,
--suits over the payment made to working people on the basis of prevailing rates

and job classifications, on the legality of the type of payment used, the wage differentials in accordance with the quantity and quality of labor performed, and on bonus, compensatory and indemnity payments,
--suits over enterprise claims to the repayment of wages,
--suits over the working people's claims to end-of-the-year bonuses and others, especially over bonus claims as set down through general labor codes or enterprise regulations or agreements,
--suits over rights and duties resulting from the apprenticeship and the working people's training and advanced training,
--suits over the application of working hour arrangements and the granting of recreational furlough and release for public or personal reasons,
--suits in the field of the working people's working and living conditions, health protection and labor safety, social welfare, especially the promotion of women, young people and other groups of persons insofar as they concern labor law rights and duties,
--petitions for carrying out educational procedures when labor obligations were infringed,
--objections by the working people to disciplinary measures based on the Labor Code and other disciplinary regulations, insofar as disciplinary provisions grant competency to the conflict commission,
--indemnity claims from the enterprise or the working people, and
--suits over the innovator right according to the regulations in the innovator decree.

(3) The conflict commission also considers and decides on suits between the mutual-aid insurance and its members over the repayment of loans and suits resulting from rental contracts linked with labor law relations (plant housing leases).

Article 19

(1) Application entitlement arises for
--any member of an enterprise on his own behalf or on behalf of his collective if his application coincides with the collective's,
--persons with the right of education over juvenile members of enterprises,
--the enterprise manager or someone deputized by him,
--the manager of the next-higher organ in claims against the enterprise manager,
--the kreis public prosecutor,
--former members of the enterprise, the enterprise manager or someone deputized by him, if it involves claims from a former labor contract with the enterprise, and
--the enterprise trade union management in claims by the mutual-aid insurance on loan repayments.

(2) Applications meant to enforce labor law claims by the enterprise have to be made in writing. They mainly have to contain
--an accurate description of the claim with reference to its foundation in law,
--an accurate account of the facts of the case,
--ascertained causes and conditions for the conflict and references to how to surmount it, and
--the evidence at hand.

Unless the application meets these requirements, the conflict commission cannot ask for having the deficiencies eliminated.

Article 20

If the conflict commission finds it is not authorized to handle a suit, it makes a resolution about it and refers the claimant to the competent organ. In that case also, the conflict commission may make recommendations on eliminating causes and conditions for the conflict.

Article 21

(1) Sessions are attended by the applicant, the respondent, persons with the parental right to educate youths, work collective and trade union representatives and other working people who might help settle the conflict. The members of the competent enterprise trade union management, the shop steward and other trade union group functionaries have the right to support the working people in exercising their rights. In exceptional cases, as during a longer illness or longer absence, an applicant or respondent may find other citizens to take their place. No such substitution is admissible for a respondent in educational proceedings when labor obligations were violated.

(2) Deliberations have to be conducted in such a way that the facts of the case are discussed thoroughly with the applicant and the respondent, the working people are informed about their rights and duties, and responsible conduct is instilled in the members of the enterprise.

(3) If the applicant and respondent settle their differences during the deliberations, the conflict commission confirms the settlement if it conforms with the principles of socialist law. If no settlement is reached or the confirmation is refused, the conflict commission rules on the claim. In claims on money payments, an adequate deadline for payments or instalments may be arranged, if necessary. In educational proceedings due to the violation of labor obligations, no settlement is allowed.

(4) If an applicant without his fault misses a deadline for raising an objection, he may on his own request be granted a release from the consequences of the missed deadline. A delayed objection from working people can also be treated as if it had come in time if there are serious reasons for it and it seems urgently required in the interest of the working people.

Article 22

(1) An enterprise manager's petition for carrying out educational procedures after a violation of labor obligations (Article 255 section 3, Labor Code) must mainly contain
--an account of the discipline violation,
--the causes and conditions ascertained for it, and
--a personality rating of the working person.

(2) The conflict commission may turn down the petition when the case seems unsuitable for conflict commission treatment.

Article 23

(1) The conflict commission may, in the outcome of educational proceedings because of a violation of labor obligations, drop the educational measures if the session itself has produced the educational purpose. This has to be stated in the resolution.

(2) The conflict commission may set down the following educational measures:
--confirming the obligation of the working person to apologize to the collective or imposing such an obligation on him,
--confirming other obligations of the working person which will support his respect for labor obligations, and
--the working person receives a reprimand.

(3) The conflict commission may endorse obligations from the work collective for the education of the working person.

(4) On ruling on the infringement of labor obligations, educational measures are to be applied in line with Article 29 section 1.

Article 24

(1) The petitioner has the right to withdraw his petition up to the end of the session.

(2) If the petitioner without cause fails to appear even at the second session, his petition is considered withdrawn. This has to be stated in the resolution.

(3) If the respondent without cause fails to appear even at the second session, the conflict commission may rule in his absence, provided the facts of the case have been clarified and the claimant requests a ruling. If the conflict commission cannot decide, the claim can directly be continued at the competent kreis court.

(4) If the respondent in educational proceedings because of labor obligation infringement without cause fails to appear even at the second session, the conflict commission must return the application within one week to the enterprise manager.

Considering Transgressions

Article 25

(1) Transgressions are anti-social crimes committed on purpose or negligently, causing injury to the citizens' rights and interests, socialist property, the social and state order or other rights and interests of society.

(2) The conflict commission considers and rules on transgressions, if in terms of its consequences and of the citizen's guilt, the conduct has not been significantly anti-social and if, in consideration of the act and the citizen's personality, an effective educational influence from the conflict commission is anticipated. Such offenses are passed on when the facts of the case are completely clear and the

citizen admits he has committed this law violation. In offenses committed through negligence, the case may be passed on to the conflict commission even when considerable damage was caused but, because of extraordinary circumstances, the citizen bears but little blame.

(3) Under those presuppositions, the conflict commission considers and rules on all transgressions, especially
--transgressions against socialist and personal property,
--bodily injury, and
--infringements of labor safety and health protection.

Article 26

(1) Cases are handed on to the conflict commission by the investigative organs, the public prosecutor or the court.

(2) To ensure thorough considerations, decisions to pass a case on must contain above all
--a summary presentation of the facts of the case and the evidence at hand,
--an assessment of the act with reference to the criminal law violated,
--an act-related assessment of the citizen's personality,
--the reasons for being handed over to the conflict commission, and
--suggestions on the causes and conditions of the act.

If damage has been caused, damage claims and the address of the injured party have to be added.

(3) When cases concerning transgressions by adolescents are handed over, the decisions for it also have to contain
--an act-related assessment of the adolescent's family and other educational circumstances,
--statements on the likelihood of culpability, and
--suggestions on an effective involvement of state and social agents of education.

(4) The organ that hands over the case is responsible for assisting the conflict commission in the treatment of the case.

Article 27

(1) The conflict commission can object against being handed the case to the organ from which it comes until the end of its own deliberations, if in its opinion the prerequisites for being handed the case do not apply (Article 25 section 2) or the case is for other reasons unsuitable to being considered by the conflict commission.

(2) In such cases, the organ from which the matter was handed on has to reexamine its decision. If this reconsideration confirms the transfer of the case, it becomes compulsory for the conflict commission.

Article 28

(1) In consequence of its deliberations, the conflict commission may issue the following educational measures:
--Confirming the citizen's obligation to apologize to the injured party or before the collective, or imposing such an obligation on him,
--confirming the citizen's obligation to pay damages in accordance with legal regulations or repair the damage by his own work, or imposing such an obligation on him,
--confirming the citizen's obligation to do up to 20 hours of unpaid work for the common good during his leisure-time,
--confirming other obligations of the citizen aimed at developing, promoting and ensuring conduct that conforms to socialist law,
--the citizen is given a reprimand, and
--the citizen is compelled to pay a fine between M 10 and M 500. A fine up to M 300 is imposed on an adolescent if he has an income or resources of his own.

(2) The conflict commission can confirm obligations of a work collective, a housing community, a different kind of collective or individual persons to educate a citizen. These obligations shall contain controllable stipulations and help overcome causes and conditions for law violations.

(3) The citizen's commitment to repairing the damage calls for agreement from the injured party.

(4) The conflict commission may drop the educational measures if the severity of the case allows it and the overall attitude of the citizen after his offense and his efforts in repairing the damage indicate that he is going to respect the socialist legal order in the future. The dropping of those measures must be stated in the resolution.

Article 29

(1) If educational measures are needed to induce the citizen to abide by socialist law on his own free will, the conflict commission determines the measure, in taking account of the type and severity of the transgression, and of the circumstances under which it was committed and the citizen's personality, that would most effectively meet the purpose. Several educational measures may also be assigned side by side.

(2) A monetary penalty is to be set down if the type and severity of the transgression, in view of the citizen's personality and on behalf of the protection of socialist society, call for a more permanent influence on him. A monetary fine is to be pronounced especially if the transgression is based on contempt for the values created by the working people or of their personal property, on an enrichment mania or a contempt for the commitment to property rights.

(3) In using the monetary penalty and setting its amount, consideration has to be given to the citizen's economic circumstances and to the damage payment obligations caused by the act. For adolescents the monetary penalty is to be used only if they have their own income or assets. If a monetary fine or payment for damage are imposed in terms of cash, installments may be provided for, if necessary, in the resolution. Indemnity payment assessments are made in concurrence with the injured party.

(4) The obligation to perform gratuitous work at leisure-time for the common good can be confirmed only if the act has destroyed or damaged places or values that serve the general public. The conflict commission may determine up to when the citizen has to report to the local council (Article 57 section 3).

Article 30

(1) If the citizen fails to appear without cause at the second session, the conflict commission has to return the case in one week to the organ from which it came.

(2) The case it not returned to the organ from which it came if the transgression in question is one that can be prosecuted upon application only (Article 2, Penal Code) and the application was withdrawn. Applications can be withdrawn up to the time that the conflict commission concludes its considerations. In such a case, a further treatment of the case is halted by resolution.

Considering Misdemeanors

Article 31

(1) Misdemeanors are infringements of legally protected interests of society or of the citizens where the effects of the act and the citizen's guilt are minor and defined as such in the Penal Code and other laws. These are
--offenses against property,
--libel and slander, and
--illegal entry of apartments, other rooms and enclosed real property of citizens.

(2) An offense against property is committed when the deed, in taking account of all circumstances such as the damage, the citizen's culpability and his personality, is minor and the damage, caused or intended, does not much exceed the amount of M 50. That normally involves a first offense.

Article 32

(1) A conflict commission considers and rules on a misdemeanor if requested by an injured citizen, a work collective, a housing community or some other injured party, or when the case was passed on from the German People's Police or a chief with disciplinary authorizations.

(2) The conflict commission can consider and rule on misdemeanors only if the statute of limitation had not yet expired when the request was made. Misdemeanors carry a statute of limitation of 6 months.

(3) In libel, slander and trespassing the request must be made within one month after the injured party discovered the misdemeanor. If this deadline was missed without fault, the conflict commission may, on request, grant release from the consequences of the missed deadline.

Article 33

(1) Holding a conference on misdemeanors is petitioned either in writing or orally. That should contain, in particular,
--a summary of the facts of the case and the evidence at hand, and
--damage payment claims or other civil-law demands.

(2) The substance of the deicision to pass it on is governed by Article 26 sections 2 and 3 respectively.

(3) The conflict commission, by resolution, turns down a citizen's petition for holding a conference on a misdemeanor if the petition itself indicates that there has been no misdemeanor, that the statute of limitation has expired or that the deadline for registering the petition has faultily been missed (Article 32 sections 2 and 3).

Article 34

(1) In dealing with a petition concerning a misdemeanor, the conflict commission clarifies the facts of the case with the applicant, the accused citizen and other citizens and ascertains the causes and conditions of the conflict.

(2) The conflict commission may hand the case on to the German People's Police for further processing because it cannot handle the case with the means at its disposal or if, after examining the effects of the act and the citizen's culpability, it is under the impression that a misdemeanor did in fact occur. This is a decision that can be made still during the conference.

(3) After examining the case, the German People's Police may return it to the conflict commission. That decision is binding to the conflict commission.

Article 35

(1) Up to the conclusion of the conference, the conflict commission may protest to the German People's Police or the authorized chief of disciplinary action against the transfer of the case as long as the conference prerequisites are not met (Article 31) or it is under the impression that a misdemeanor has in fact been committed.

(2) In such cases, the German People's Police or the authorized chief of disciplinary action have to reexamine the decision. Another decision to transfer the case is binding to the conflict commission.

Article 36

(1) A conference on a misdemeanor is held with the applicant and the accused citizen in attendance. In exceptional cases, such as during a longer illness or longer absence, the applicant can have another citizen take his place.

(2) In offenses against property, the conflict commission can rule in the absence of the applicant, if the written petition concerning the misdemeanor is adequately substantiated.

(3) If the accused citizen fails to appear without cause even at the second session, the conflict commission, exceptionally, rules in his absence, provided the facts of the case have been clarified and a decision is feasible in accordance with Article 11 sections 1 or 2. If that is not so, the case must be handed over for further processing to the German People's Police within one week.

Article 37

(1) In the outcome of the conference, the conflict commission can refrain from assigning educational measures on account of a misdemeanor, if the educational purpose was achieved through the conference. That has to be made clear in the resolution.

(2) In dealing with libel, slander or trespassing, the conflict commission pursues a reconciliation between the accused citizen and the applicant. If a reconciliation is achieved, educational measures may be disregarded. The reconciliation must be mentioned in the resolution.

(3) The conflict commission may issue the following educational measures:
--Confirming the citizen's obligation to apologize to the injured party or before the collective, or imposir such an obligation on him. The same applies to the obligation to retract in a suitable form the libel or slander before the circle of persons that received knowledge of it.
--Confirming the citizen's obligation to pay damages in accordance with legal regulations or repair the damage by his own work, or imposing such an obligation on him.
--Confirming other obligations of the citizen that would help protect and secure the property, human honor and dignity and the place of residence.
--The citizen is given a reprimand.
--The citizen is compelled to pay a fine between M 10 and M 150.

(4) In addition, Article 28 sections 2 and 3 are applied accordingly.

(5) When a misdemeanor is found to have been committed, the educational measures as of Article 29 sections 1 through 3 are to be applied.

(6) If in the outcome of a conference on libel, slander or trespassing no misdemeanor can be proven and there are no other opportunities for the German People's Police to investigate further, the conflict commission decides by resolution that no misdemeanor is indicated.

Article 38

(1) If the applicant in turn has committed libel or slander against the accused citizen, such a misdemeanor can, upon request, be included in the conference, provided it occurred no longer than 6 months previous to it.

(2) If no reconciliation is established between the applicant and the accused citizen, educational measures may be assigned to either one or both.

Article 39

(1) The applicant may withdraw his application up to the end of the conference.

(2) If the applicant, without showing cause, fails to attend a conference on libel, slander or trespassing, his application is considered withdrawn.

(3) In such cases, the conflict commission drops the proceedings by resolution.

Considering Irregularities

Article 40

(1) Irregularities are culpably committed law violations expressing lack of discipline and hampering state management activity or interfering with the development of socialist communal life, without, however, significantly violating the interests of socialist society or of individual citizens, wherefore they are no criminal acts.

(2) Irregularities are only such law violations as are explicitly defined as such in legal regulations.

Article 41

(1) The conflict commission considers and rules on irregularities directly relating to the citizen's activity in his enterprise and amounting to infringements of the legal regulations on labor, health, fire and environmental protection and of price regulations.

(2) Once assigned by a competent disciplinary action official, the conflict commission takes the case. Such a transfer may take place once the facts of the case have become clear and the circumstances of the irregularity and the citizen's personality suggest the conflict commission can bring a better educational influence to bear.

Article 42

(1) To ensure a thorough consideration of the case, transfer decisions mainly have to contain
--a summary of the facts of the case and the evidence at hand,
--a reference to the infringed legal regulations,
--the reasons for assigning it to the conflict commission, and
--references to the causes and conditions for the irregularity.

If damage was caused, the damage payment application and the address of the injured party have to be added.

(2) Up to the end of the conference, the conflict commission may return the case to the next-higher organ if the prerequisites for having it assigned to it are not satisfied (Article 41). Then the organ from which it came processes the case for good.

Article 43

(1) In consequence of its deliberations, the conflict commission may issue the following educational measures:
--Confirming the citizen's obligation to apologize to the injured party or before the collective, or imposing such an obligation on him.
--Confirming the citizen's obligation to pay damages in accordance with legal regulations or repair the damage by his own work, or imposing such an obligation on him.
--Confirming the citizen's obligation to do up to 15 hours of unpaid work for the common good during his leisure-time.
--Confirming other obligations of the citizen aimed at ensuring order, discipline and security.
--The citizen is given a reprimand.
--The citizen is compelled to pay a fine between M 10 and M 300. An adolescent can be fined up to M 20, if he has his own income or assets. The amount of the monetary fine may not exceed the maximum as determined for fines in prevailing disciplinary regulations for fines.

(2) In addition, Article 28 sections 2 and 3 are applied accordingly.

(3) When irregularities are found to have been committed, educational measures are applied in accordance with Article 29.

(4) The conflict commission may disregard educational measures, if the degree of severity of the irregularity allows it and the citizen's overall conduct after his offense and his efforts to make up for it indicate that he is going to respect the socialist legal order in the future. When such measures are dropped, the resolution has to make a point of it.

Article 44

If the citizen, without showing cause, fails to appear even at the second session, the conflict commission has to return the case to the organ from which it came within one week.

Considering Infringements of Mandatory Schooling

Article 45

(1) The conflict commission considers and rules on the conduct of citizens who, as parents or others having the parental educational responsibility, fail to make sure that school-age children or other youths attend classes at the general education polytechnical secondary schools or at vocational training institutions regularly, or keep them from attending other mandatory school activities or from complying with school regulations or with duties resulting from the instructional setup.

(2) The conflict commission also considers and rules on the conduct of adolescents (pupils of 14 years of age and older and apprentices) who stubbornly refuse to go to school.

Article 46

(1) The request for a conference can be made by the director of the school in concurrence with the parents' advisory council or the director of the vocational training institution, if all previous educational influence brought to bear on the persons with the parental educational responsibility or on the youths have remained unsuccessful.

(2) Inadequately substantiated requests may be returned to the requester.

Article 47

(1) The conference is meant to induce the persons with the parental educational responsibility to have children or youths fully comply with their mandatory schooling. If the conference accomplishes that purpose, educational measures can be discounted. This has to be affirmed in the resolution.

(2) The conflict commission may set down the following educational measures for persons with parental educational responsibility:
--Confirming the obligations of citizens to help ensure regular school attendance by the school-age child or the youth, or imposing such obligations on them.
--Confirming the citizen's obligations that help make the school-age child or youth attend mandatory school activities and comply with school regulations and any duties resulting from the instructional setup, or imposing such obligations on him.
--The citizen is given a reprimand.
--The citizen is compelled to pay a fine between M 10 and M 150.

(3) The conflict commission may confirm the obligations of a work collective, a housing community, or individual citizens to assist persons with parental educational responsibilities in fulfilling their educational obligations.

(4) When an infringement of mandatory schooling is found to exist, the educational measures in accordance with Article 29 sections 1 through 3 are to be applied.

(5) The conflict commission may instruct a young persons who infringes his mandatory schooling about his duties.

Article 48

(1) The conference is meant to induce the youths, in accordance with Article 45 section 2, to comply fully with their mandatory schooling. If that purpose is attained by the conference, educational measures may be discounted. This has to be stated in the resolution.

(2) The conflict commission may issue the following educational measures against youths:
--Confirming the youth's obligations that help ensure his fulfilling on his own the requirements resulting from mandatory schooling or the instructional setup, or imposing such obligations on him.

--Confirming other obligations of the youth that help develop his assistance and co-responsibility at the school or vocational training institution.
--The youth is given a reprimand.

(3) The conflict commission may confirm the obligations of the persons with the parental educational responsibility, of a collective or of individual citizens to help the youth meet the demands made on him.

(4) When an infringement of mandatory schooling is found to exist, the educational measures in accordance with Article 29 sections 1 through 3 are to be applied.

Article 49

(1) If persons with the parental educational responsibility, without showing cause, fail to appear even at the second conference, the conflict commission can rule in their absence when the facts of the case are clear. If the conflict commission can come to no decision, it returns the case to the requester within one week.

(2) If the youth, without showing cause, fails to appear even at the second conference, the case is handed over within one week to the kreis school council or to the head of the vocational training and vocational counseling department under the kreis council.

Considering Plain Civil Litigations

Article 50

(1) The conflict commission considers and rules on
--plain civil litigations between citizens and between the enterprise and members of the enterprise in monetary claims up to circa M 1,000,
--plain civil litigations between citizens resulting in the citizens' everyday life from infringements of their rights and duties, particularly within their housing or residential communities, and
--other plain civil litigations between the enterprise and the members of the enterprise.

(2) Requests for conferences can be made by one or several citizens and in litigation resulting from the citizens' fellowship in housing or residential communities, also by the housing community managements.

(3) Application from the enterprise have to be made, in writing, by the enterprise manager or a person deputized by him.

Article 51

(1) The conference is held in the presence of the applicant and the respondent. Exceptionally, as during a longer illness or longer absence, both the applicant and the respondent may ask to be represented by other citizens.

(2) The conflict commission seeks to bring about a settlement between the applicant and the respondent that conforms with the principles of socialist law in this conference. Such a settlement is then confirmed by resolution. When it amounts to monetary claims, an adequate payment deadline or installments may be agreed upon, if necessary.

(3) If no settlement between the applicant and the respondent can be achieved or if it must be refused because it contradicts the principles of socialist law, the conflict commission decides the litigation upon the joint request from the applicant and the respondent or upon the request from the applicant. The decision is predicated on that the facts of the case are plain, fully clarified, and not hard to judge legally.

Article 52

(1) The conflict commission rejects dealing with the case if it turns out that the facts of the case are not plain, cannot be clarified by questioning the applicant, the respondent and other citizens, or are hard to judge legally. That can be done up to the end of the conference.

(2) The applicant has the right to withdraw his application up to the end of the conference.

(3) If the applicant, the respondent or both fail to appear, without showing cause, at the conference or a settlement cannot be reached nor a decision be made in accordance with Article 51 section 3, the conflict commission schedules another conference on the case by resolution.

(4) In cases to which sections 1 through 3 apply, the applicant is to be informed that he has to address himself to the kreis court.

III.

Appeals and Enforcing Decisions

Article 53

The Right of Appeal

(1) The applicant and respondent in labor and civil law litigations, the applicant in cases of libel, slander or tresspassing, or the citizen accused of a transgression, misdemeanor, irregularity or mandatory school infringement have the right to appeal, in written form, to the kreis court or to a deposition before the moving party, contesting the conflict commission ruling, within two weeks after receiving the notification. Also the injured party has this right, as far as the decision on repairing the damage and its outlays are concerned.

(2) An objection against passing on a settlement in labor and civil law litigations can be justified only by there not having been a settlement or its violating the principles of socialist law.

(3) The public prosecutor of the kreis in which the conflict commission is located may appeal to the competent kreis court against any conflict commission ruling, within 3 months after its having been pronounced, if the ruling or particular obligations fail to conform with the law.

(4) The kreis court in the area of which the conflict commission is located makes the decision. In labor litigation cases, competency is set down in Article 25 of the Code of Civil Procedure.

Deciding on the Appeal

Article 54

(1) The authorized chamber of the kreis court decides on the appeal against a conflict commission ruling in labor or civil law litigations. It may call for a deposition from the conflict commission or summon the chairman or members of the conflict commission and other citizens for a verbal exchange, insofar as its decision requires it.

(2) For proceedings before the kreis court there apply the provisions of the 19 June 1975 law on court procedures in civil, family and labor law matters--Code of Civil Procedure--(GBL, Part I, No 29, p 533). To the release from the consequences of having missed the appeal deadline in labor litigations, there applies Article 296 section 5 of the Labor Code; in case of civil law suits, Article 70 section 1 of the Code of Civil Procedure applies.

(3) No legal remedy exists against the labor law chamber decision on an appeal against a conflict commission ruling in educational proceedings due to the violation of labor obligations.

Article 55

(1) An appeal against a conflict commission ruling on a transgression, misdemeanor, irregularity or mandatory school infringement is settled by the kreis court penal chamber by resolution. Prior to settling it, it may conduct an oral exchange and listen to the citizen in his appeal. It may also call for a deposition from the conflict commission or summon the chairman or members of the conflict commission and other citizens for a verbal exchange, insofar as its decision requires it.

(2) The penal chamber can cancel the decision of a conflict commission and return the case with appropriate comments to the conflict commission for a new deliberation and decision, or it can refuse the appeal, if it is unjustified. Prior to canceling a conflict commission ruling on making good for damage, the injured party must be given the opportunity to comment on the appeal.

(3) Returning the case to the conflict commission for a new deliberation and decision is set aside, and the penal chamber makes the final decision, if it is certain that the accused citizen is not to be blamed, or when all that remains to be done is to decide on the repair of the damage and the reduction of a monetary fine. An amicable settlement may be the outcome of libel, slander and trespassing or in actions for damages.

Article 56

(1) An appeal which has to be decided on by the penal chamber of the kreis court can be withdrawn until the verbal exchange comes to an end.

(2) No remedy exists against the decision by the penal chamber of the kreis court on the appeal.

(3) In the appeal's trial before the penal chamber, each participant himself pays for the expenses he incurs. The accused citizen, if it turns out that he is not to be blamed, is reimbursed, upon request, from the state budget. For budgetary expenses the participants are not charged.

Enforcing the Decision

Article 57

(1) The citizen shall fulfil obligations assumed or duties imposed upon him on his own free will.

(2) Monetary fines are paid to the council of the city, city-district or community in the area of which the citizen resides. About payments received the conflict commission is to be informed.

(3) The citizen's obligation to perform unpaid work for the common good in his leisure-time shall be taken care of within 2 months. The council of the city, city-district or community in the area of which the citizen resides is to determine when and where that work is to be performed. About its having been taken care of, the conflict commission is to be informed.

(4) If a citizen fails to meet the obligations set down in the resolution, the conflict commission may reopen the case (Article 15 section 5). Within the scope or provisions applicable to the case (Articles 23, 28, 37, 43, 47, 48), it may set down a different appropriate educational measure.

Article 58

(1) Conflict commission decisions on monetary claims, making up for damage, the monetary fine, the release of objects, the intent, toleration and omission of actions and the reimbursement for outlays may be declared enforceable by the kreis court and be so enforced.

(2) The claimant may petition the kreis court to enforce the decision. With regard to the monetary fine, the local council has that right as well.

Article 59

(1) The competent chamber of the kreis court decides on enforcement by resolution.

(2) Proceedings before the kreis court are governed by the provisions of the Code of Civil Procedure.

IV.

Special Provisions

Article 60

The Decisions' Range of Effect

(1) Conflict commission decisions on transgressions, misdemeanors, irregularities, and infringements of work obligations and of mandatory schooling remain in effect for the duration of one year from the expiration of the appeal period.

(2) To the enforcement of claims from conflict commission resolutions apply the time frames for the statutes of limitation according to Article 480 of the Civil Code of the GDR, of 19 June 1975 (GBL, Part I, No 27, p 465).

(3) The enforcement of monetary fines lapses after 2 years.

Article 61

Accountability of the Members of the Armed Organs

(1) The conflict commission is not authorized to consider and rule on transgressions, misdemeanors and irregularities by members of the armed organs.

(2) If the conflict commission receives a case concerning the transgression or irregularity of a member of the armed organs, it declares itself not competent and returns the case to the organ from which it came.

(3) If the conflict commission is petitioned or handed a case dealing with the misdemeanor of a member of the armed organs, it submits the petition or transfer to the authorized commanding officer or precinct chief or refers the petitioner to the commanding officer or precinct chief.

V.

Support for the Conflict Commissions

Article 62

Tasks of the Enterprise Managers

(1) The enterprise managers and the executive associates of the enterprise are under the obligation to give all-round support to the members of the conflict commissions in the exercise of their responsible activity. Upon the requests from the conflict commissions, they have to attend their conferences and give the members of the conflict commissions access to enterprise documents insofar that it is necessary for correctly assessing the case and person of the working people and contradicts no social interests.

(2) The enterprise managers and the executive associates of the enterprise are under the obligation to analyze the experiences of the conflict commissions for the sake of enterprise management activity.

(3) In meetings of the working people and before the competent enterprise trade union management, they must report on how they have fulfilled their obligation to give the conflict commissions all-round support.

Article 63

Objective Prerequisites for the Activity

The enterprise managers and the executive associates of the enterprise are under the obligation to create the objective prerequisites for the work of the conflict commissions operating in their area. That, in particular, includes the following obligations:
--making available the necessary legal regulations, instruction materials and literature,
--providing appropriate accommodations for the conferences,
--ensuring safe documentary storage,
--taking care of the written work and making a recording secretary available, if necessary, and
--keeping adequate means available for the activity of the conflict commissions and for appreciating their work.

Article 64

Reimbursement

Upon request, the enterprise has to reimburse the members of the conflict commissions. That also includes expenses incurred in connection with instruction and training.

Article 65

Support Obligation

If someone responsible for supporting the conflict commissions fails to meet his obligation, the conflict commissions are entitled to turn to the next-higher organ and demand the fulfilment of that obligation.

Article 66

Storing and Delivering Documents

(1) The conflict commissions keep the written documents about their activity and the registers for 2 years.

(2) The period during which such materials must be kept begins with the first day of the calendar year following the date on which the case was concluded, and for the registers it is that of the last entry.

(3) After the expiration of that period, the written documents and registers are to be transferred to the kreis court under the jurisdiction of which the conflict commission falls.

VI.

Final Provisions

Article 67

(1) This resolution goes into effect on 1 January 1983.

(2) At the same time, the resolution by the State Council of the GDR of 4 October 1968 on the election and activity of the conflict commissions--Conflict Commission Order--(GBL, Part I, No 16, p 287) is rescinded.

Resolution on Arbitration Commissions

East Berlin GESETZBLATT DER DEUTSCHEN DEMOKRATISCHEN REPUBLIK in German Part I No 13, 6 Apr 82 pp 283-292

[Official text of "Resolution of German Democratic Republic State Council of 12 March 1982 on the Activity of the Arbitration Commissions--Arbitration Commission Order," signed 25 March 1982, by Erich Honecker, chairman, GDR State Council, and Heinz Eichler, secretary, GDR State Council]

[Text] Table of Content Articles

I. Working Method of the Arbitration Commissions	1-16
--Discussions and Requests	1
--Preparing Deliberations	2-4
--Conducting Deliberations	5-10
--Concluding Deliberations	11-14
--Measures to Strengthen Effectiveness	15-16
II. Fields of Activities of the Arbitration Commissions	17-47
--Considering Plain Civil Law and Other Legal Litigations	17-21
--Complex Considerations of Plain Civil Law Litigations and Libel, Slander and Trespassing	22
--Considering Transgressions	23-28
--Considering Misdemeanors	29-37
--Considering Irregularities	38-42
--Considering Infringements of Mandatory Schooling	43-47
III. Appeals and Enforcing Decisions	48-55
--The Right of Appeal	48
--Deciding on the Appeal	49-52
--Enforcing the Decision	53-55

IV. Special Provisions 56-57
--The Decisions' Range of Effect 56
--Accountability of the Members of Armed Organs 57

V. Support of the Arbitration Commissions 58-62
--Arbitration Commission Advisory Council 58
--Objective Prerequsites for the Activity 59
--Reimbursement 60
--Support Obligation 61
--Storing and Delivering Documents 62

VI. Final Provisions 63-64

In accordance with Article 1 of the 25 March 1982 Law on the Social Courts of the GDR (GBL, Part I, No 13, p 269), the following is proposed:

I.

Working Method of the Arbitration Commissions

Article 1

Discussions and Requests

(1) The arbitration commission or individual members advise working people in their field of activity who ask for advice in clarifying legal matters and in enforcing legally guaranteed rights and offer them recommendations on meeting legal obligations. They help explain legal regulations.

(2) An arbitration commission or individual members receive written or oral requests for a discussion. Of oral requests the arbitration commission has to make a written record.

(3) The arbitration commission can hold regular office hours.

(4) In plain civil litigations or in cases of libel, slander or illegal entry, an arbitration commission or individual members also may conduct, prior to considering the case, discussions with the applicant and respondent or the accused citizen. Unless the matter is settled by the discussion, the case has to be considered.

(5) If in the outcome of the discussion obligations are assumed, a written record has to be made of them.

(6) In conjunction with discussions, the arbitration commission may make recommendations (Article 16).

(7) In cases of transgressions, misdemeanors against property, irregularities and the infringement of mandatory schooling, and in violations of socialist labor discipline by members of production cooperatives, a consultation has to take place when the case is petitioned or handed on.

(8) The arbitration commission keeps a record on its activity and written records on the various consultations.

Preparing Deliberations

Article 2

(1) The arbitration commission checks whether the request or the decision to pass it on comply with legal requirements. It prepares its deliberations in such a way that the facts of the case basic to the litigation can be discussed and clarified in every way.

(2) The chairman, through concurrence with the members, sets down the measures needed for it. They obtain the information necessary for setting up deliberations, adduce the necessary documentation and familiarize themselves with the legal regulations applying to the case.

(3) Arbitration commission deliberations have to be held within 4 weeks after the receipt of the request or its being handed on. If that time frame is exceeded in exceptional cases, the reasons for it have to be set down in writing.

Article 3

(1) The chairman sees to it that at least one week prior to the scheduled deliberations, their subject matter, time and place are publicly announced.

(2) The applicant, the respondent, the accused citizen and other citizens and representatives of state organs whose attendance is required to settle the case have to be summoned sufficiently ahead of time so they know about the deliberations for at least one week. Their attendance is mandatory.

(3) The respondent or accused citizen is to be informed in the summons of the substance of the request or the order to pass it on.

(4) To enhance the social effectiveness of the deliberations, the arbitration commission may summon representatives of state organs, of social organization managements, of the commissions of the National Front of the GDR, the housing community, the enterprise, the production cooperative and other social forces.

Article 4

(1) If the applicant or respondent is an adolescent, the persons with the parental right of education also have to be summoned. If necessary, representatives of the youth-aid, the school, the enterprise and the youth organizatic ...ld be summoned.

(2) If the accused is an adolescent, the persons with the parental ...ht of education and representatives of the school, the enterprise and the youth organization also should be summoned. If necessary, representatives of the youth-aid organs are to be summoned as well.

Conducting the Deliberations

Article 5

(1) The arbitration commission deliberates and decides with at least four members in attendance.

(2) Deliberations are directed by the chairman or a deputy. If both are absent or it is suitable for objective reasons, another member may be asked to chair the session.

(3) The outcome of the session is to be set down in writing. The recording secretary need not be a member of the arbitration commission.

Article 6

(1) An arbitration commission member is barred from considering and deciding a case if
--he is part of the case as the applicant, respondent or accused citizen or was harmed by the law violation, or
--he is the spouse or a close relative of the applicant, respondent, the accused citizen or the injured party.

(2) Reservations taken to a member's attendance by the applicant, the respondent, the accused citizen or the inured party, are settled for once and for all by the arbitration commission. Such objections are admissible up to the start of the session. If justified, the member concerned can then not take part in the session and decision-making.

Article 7

(1) Arbitration commission sessions are public and are normally held outside working hours. Sessions have to be held with the applicant, the respondent or the accused citizen in attendance.

(2) The arbitration commission may, exceptionally, bar individual citizens from the session or part of the session, if it helps settling the case.

(3) If someone attending the session shows flagrant disregard for the arbitration commission by improper behavior, the arbitration commission may give him a fine up to a maximum of M 50.

Article 8

(1) The arbitration commission is under the obligation to ascertain the facts of the case pertinent to decision-making and the causes and conditions for the suit or violation. To the extent that it is required for decision-making, it must inform itself about the personal and economic circumstances of the applicant, the respondent or the accused citizen.

(2) In assessing the accountability of an adolescent for a transgression, misdemeanor, irregularity or infringement of mandatory schooling, the characteristics of his conditioned by his development have to be taken into consideration.

(3) The members of the arbitration commission, the applicant, the respondent and the accused citizen, as well as all others attending the session, are entitled to present their conception of the case and of the causes and conditions for the suit or offense, and on the citizen's conduct and on settling the case.

Article 9

(1) When transgressions or misdemeanors are under consideration, plain civil litigations and other litigations connected with them (Article 17) may, on request, be drawn into it, provided their clarification requires no further preparation.

(2) When plain civil litigations are combined with misdemeanors, they can be taken care of in one and the same session. Article 22 applies to this kind of session.

Article 10

(1) If a citizen accused of a transgression, misdemeanor, irregularity or mandatory schooling infringement fails to appear at a session, a second session is scheduled. The same applies when in a petition to hold a session on a violation of socialist work discipline, the respondent fails to appear.

(2) The arbitration commission, aided by social forces, shall make sure that the accused citizen or respondent appears at the rescheduled session. Summons must point out the consequences of a repeated failure to attend (Articles 21, 28, 34, 42 and 47).

(3) If the accused citizen or respondent fails to attend a session without showing cause, the arbitration commission may imposed a fine up to M 50 on him.

Concluding Deliberations

Article 11

(1) In the outcome of its deliberations, the arbitration commission decides by resolution on the claim, the settlement or the existence of a law violation and the pronouncing of educational measures.

(2) The arbitration commission also decides by resolution when the case is dropped, the claim unjustified, a settlement cannot be accepted because it contradicts the principles of socialist law, or no law violation is found to exist.

(3) In the outcome of its deliberations, an arbitration commission may make recommendations (Article 16).

Article 12

(1) The arbitration commission's decision is made in public. Through an all-round explanation and clarification of the facts of the case, all preconditions should be created for unanimous decisions.

(2) If in an exception no unanimity is obtainable, a decision carries as long as most of the arbitration commission members attending the session agree.

(3) The decision is to be announced in the session.

Article 13

(1) A decision contains
--time and place of the session,
--the names of the arbitration commission members who made the decision,
--the name, age, occupation and address of the applicant and the respondent or the accused citizen,
--the petitions,
--a brief account of the facts of the case ascertained with the facts and reasons on which the decision bases itself,
--the decision arrived at through deliberations, and
--the reference to the possibility of appeal against the arbitration commission decision and the writ of execution.

(2) The decision is to be signed by the session chairman and to be sent within two weeks, by registered mail, to the applicant and the respondent or the accused citizen.

(3) A copy of the decision has to be sent within two weeks to the kreis public prosecutor and, in case the case was transferred, to the organ from which it came. If the decision provides for a monetary fine or for an obligation to do work for the common good during leisure-time, the local council also gets a copy (Article 53 sections 2 and 3).

Article 14

(1) No dues are charged for arbitration commission activity.

(2) About reimbursing applicants, respondents, accused citizens, injured parties and citizens summoned to clarify the case, the arbitration commission decides by resolution in conformity with legal provisions in force.*

Measures to Strengthen Effectiveness

Article 15

(1) To the extent necessary, the arbitration commission brings an influence to bear on extending the educational process started during the session with help from the social forces in the city, the community, the production cooperative or the enterprise.

(2) During its session, the arbitration commission may decide that its decision, once it comes into effect, is publicly announced in a suitable manner, at most for one week, in the housing community, the residential area, the production cooperative or the enterprise, if this reinforces its educational effect.

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*Right now are in force: for plain civil suits and other law suits, Articles 174 section 1 and 2, and 175 section 1 and 2, Code of Civil Procedure; for transgressions, misdemeanors, irregularities and infringements of mandatory schooling, Articles 363 section 1 and 364 section 1, Penal Code.

(3) The arbitration commission supervises the implementation of its decisions. In the outcome of deliberating on transgressions, misdemeanors, irregularities and infringements of mandatory schooling, it may order citizens to report on their fulfilling the obligations contained in the decision and, in case of monetary fines, to provide payment evidence.

(4) Citizens obliged to report have to appear before the arbitration commission in person. When they fail to appear without showing cause, the arbitration commission may impose a fine up to M 50.

(5) If the arbitration commission ascertains that a citizen fails to fulfil educational measures contained in a decision, the chairman may schedule another session (Article 53 section 4).

Article 16

(1) If the arbitration commission ascertains causes and conditions for legal litigations or violations, it makes recommendations to the managers of state and economic management organs, combines, enterprises and institutions, production cooperative boards and managements of social organizations. The recommendations are intended to solidify order, discipline and security. The recommendations are to offer suggestions for eliminating causes and conditions for law violations and litigations and overcoming deficiencies and illegalities.

(2) Recommendations are to be submitted to the recipients within two weeks.

(3) The arbitration commission checks on the implementation of the recommendations it has made.

(4) The managers of organs to which a recommendation was addressed have to inform the arbitration commission within two weeks on what has been initiated in response to the recommendation or for what reason it cannot be accepted. They have to work together with the arbitration commission in implenenting the latters' recommendations.

(5) If this obligation is not followed or a recommendation is not responded to for no good reason, the arbitration commission may inform the next-higher manager or organ about it and demand that the person so obligated, in conformity with section 4, take a position on the recommendation. If through the neglect of a recommendation illegalities continue, the kreis public prosecutor will be informed about it.

II.

Fields of Activities of the Arbitration Commissions

Considering Plain Civil Law and Other Legal Litigations

Article 17

(1) The arbitration commission considers and decides on
--plain civil law suits between citizens arising in the citizens' everyday life

from violations of their rights and duties, especially from their communal life in housing or residential communities,
--plain civil law suits between citizens or between a production cooperative and its members concerning monetary liabilities up to circa M 1,000,
--other plain property litigations including those resulting from innovator rights in accordance with the stipulations of innovator regulations between a production cooperative and its members, and
--petitions for holding a conference to consider violations of socialist work discipline by members of production cooperatives.

(2) Requests for a conference may be made by one or several citizens, and in case of quarrel resulting from the citizens' communal life in housing or residential communities, even by housing community managements.

(3) Requests of production cooperatives have to be submitted in writing by the board or the chairman.

Article 18

(1) The conference is held in the presence of the applicant and the respondent. In exceptional instances, such as a longer illness or longer absence, both the applicant and the respondent can ask some other citizen to take their place. Taking the place of a respondent in conferences on violations of socialist work discipline is not admissible.

(2) In its conference, the arbitration commission endeavors to have the applicant and the respondent make a settlement in conformity with the principles of socialist law. It passes on such a settlement by resolution. When the settlement concerns monetary liabilities, an appropriate payment deadline or installments may be worked out. A conference about the violation of socialist work discipline provides for no settlement.

(3) If the applicant and the respondent cannot come to a settlement, or if it cannot be passed because it contradicts the principles of socialist law, the arbitration commission rules on the litigation by a joint request from the applicant and the respondent or by one from the applicant only. The decision is predicated on the facts of the case being simple, fully clarified, and not hard to judge legally.

Article 19

(1) A petition from the board of a production cooperative for holding a conference on account of a violation of socialist work discipline by a member mainly has to contain
--an account of the discipline violation,
--the causes and conditions ascertained, and
--a personality assessment of the member of the production cooperative.

(2) The arbitration commission can reject a petition if the case is not suitable to be considered by the arbitration commission.

Article 20

(1) The arbitration commission may, in the outcome of a conference on a violation of socialist work discipline, discount educational measures, provided the educational purpose was accomplished by the conference. This must be so stated in the resolution.

(2) The arbitration commission can issue the following educational measures:
--Passing on the liability of the member of the production cooperative to apologize to the collective, or imposing such a liability on him.
--Passing on other liabilities of the member of the production cooperative that serve the respect for socialist work discipline.
--A reprimand is given to the member of the production cooperative.

(3) The arbitration commission may pass on the obligations of the work collective to educate the member of the production cooperative.

(4) In ruling on violations of socialist work discipline, educational measures to be issued are in accordance with Article 27 section 1.

Article 21

(1) The arbitration commissions rejects considering a case if it turns out that the facts of the case are not simple, cannot be clarified by questioning the applicant, the respondent and other citizens, or are hard to judge in legal terms. This can be done all the way to the end of the conference.

(2) The applicant is entitled to withdraw his request up to the end of the session.

(3) If the applicant, the respondent or both of them fail to appear at the conference for no good reason, of if neither a settlement can be reached nor a decision be made in accordance with Article 18 section 3, the arbitration commission drops further proceedings by resolution.

(4) If the respondent without any good reason fails to attend a conference on a violation of socialist work discipline, though it was scheduled for a second time, the arbitration commission has to return the request to the production cooperative board within one week.

(5) In instances according to sections 1 through 3, the applicant is to be told he can address himself to the kreis court.

Article 22

Complex Considerations of Plain Civil Law Litigations and Libel, Slander and Trespassing

(1) If simple civil law disputes between citizens originating from the violation of their rights and duties in their communal life in the housing or residential community are accompanied by libel, slander or illegal entry, the arbitration commission can, upon request, handle both cases in one conference.

(2) Articles 29 through 37 apply to the consideration of and decision on misdemeanors, and Article 17 section 2 as well as Articles 18 through 21 apply to the consideration of and decision on civil suits. Both decision are combined in one resolution.

Considering Transgressions

Article 23

(1) Transgressions are anti-social crimes committed on purpose or negligently, causing injury to the citizens' rights and interests, socialist property, the social and state order or other rights and interests of society.

(2) The arbitration commission considers and rules on transgressions, if in terms of the consequences and of the citizen's guilt, the conduct has not been seriously anti-social and if, in consideration of the act and the citizen's personality, an effective educational influence from the arbitration commission is anticipated. Such criminal matters are handed over when the facts of the case are completely clear and the citizen admits he has committed this law violation. In offenses committed through negligence, the case may also be assigned to the arbitration commission even when considerable damage was caused yet, due to extraordinary circumstnaces, the citizen bears but little blame.

(3) Under those presuppositions, the arbitration commission considers and rules on all transgressions, especially
--transgressions against socialist and personal property,
--bodily injury, and
--infringements of labor safety and health protection.

Article 24

(1) Cases are assigned to the arbitration commission by the investigative organs, the public prosecutor or the court.

(2) To ensure thorough considerations, the decision to assign a case must contain above all
--a summary presentation of the facts of the case and the evidence at hand,
--an assessment of the act with reference to the criminal law violated,
--an act-related personality assessment of the citizen,
--the reasons for being assigned to the arbitration commission, and
--suggested causes and conditions behind the act.

If there was damage, damage claims and the address of the injured party are to be added.

(3) When cases concerning transgressions by adolescents are assigned, the decisions for it also have to contain
--an act-related assessment of the adolescent's family and other educational circumstances,
--statements on the likelihood of culpability, and
--suggestions for effectively involving state and social agents of education.

(4) The assigning organ is duty bound to assist the arbitration commission in dealing with the case.

Article 25

(1) The arbitration commission can object ot being assigned the case to the assigner if in its opinion the prerequisites for assignment do not apply (Article 23 secion 2) or the case is for other reasons unsuitable to be dealt with by the arbitration commission.

(2) In such instances, the assigning organ has to reexamine its decision. If this reconsideration confirms the assignment, the arbitration commission is obliged to take it.

Article 26

(1) In consequence of its deliberations, the arbitration commission may issue the following educational measures:
--Passing on the citizen's liability to apologize to the injured party or before the collective, or imposing such a liability on him.
--Passing on the citizen's liability to pay damages in accordance with legal regulations or repair the damage by his own work, or imposing such a liability on him.
--Passing on the citizen's liability to do up to 20 hours of unpaid work for the common good during his leisure-time.
--Passing on other liabilities of the citizen aimed at developing, promoting and ensuring conduct that conforms with socialist law.
--A reprimand to be given to the citizen.
--A citizen is compelled to pay a fine between M 10 and M 500. A fine up to M 300 is imposed on an adolescent if he has an income or assets of his own.

(2) The arbitration commission can pass on the liabilities of a work collective, a housing community, a different kind of collective or individual persons to educate the citizen. These obligations shall contain stipulations that are controllable and contribute to the development of socialist consciousness and to overcoming causes and conditions for law violations.

(3) A citizen's commitment to repairing the damage calls for agreement from the injured party.

(4) The arbitration commission may drop the educational measures if the severity of the case allows it and the overall attitude of the citizen after his offense and his efforts in repairing the damage indicate that he is going to respect the socialist legal order in the future. The dropping of those measures must be stated in the resolution.

Article 27

(1) If educational measures are needed to induce the citizen to abide by socialist law on his own free will, the arbitration commission determines the measure which, in taking account of the type and severity of the transgression, and of the circumstances under which it was committed, and of the citizen's personality, would most effectively meet the purpose. Several educational measures may also be assigned side by side.

(2) A monetary penalty is to be set if the type and severity of the transgression, in view of the citizen's personality and of the protection of socialist property, call for a more permanent influence on him. A monetary fine is to be levied in particular if the transgression is due to contempt for the values created by the working people or of their personal property, to an enrichment mania or a contempt for the liability to property rights.

(3) In applying a monetary penalty and fixing its amount, consideration has to be given to the citizen's economic circumstances and to the damage payment liability caused by the act. For adolescents, a monetary penalty becomes applicable only if they have an income or assets of their own. If a monetary fine or payment for damage are imposed in terms of cash, installments may be provided for, if necessary, in the resolution. Indemnity payment assessments are made in concurrence with the injured party.

(4) The liability to perform gratuitous work at leisure-time for the common good can be imposed only if the act has destroyed or damaged places or values that serve the general public. The arbitration commission may determine up to when the citizen has to report to the local council (Article 53 section 3).

Article 28

(1) If the citizen fails to appear without cause at the second session, the arbitration commission has to return the case within one week to the assigning organ.

(2) The case is not returned to the assigning organ if the transgression in question is one that can be prosecuted upon application only (Article 2, Penal Code) but the application was withdrawn. Applications can be withdrawn up to the time that the arbitration commission concludes its considerations. In such a case, a further treatment of the case is halted by resolution.

Considering Misdemeanors

Article 29

(1) Misdemeanors are infringements of legally protected interests of society or of the citizens where the effects of the act and the citizen's guilt are minor and are defined as such in the Penal Code and other laws. These are
--offenses against property,
--libel and slander, and
--illegal entry of apartments, other rooms and enclosed real property of citizens.

(2) An offense against property is committed when the deed, in taking account of all circumstances such as the damage, the citizen's culpability and his personality, is minor and the damage, caused or intended, does not much exceed the amount of M 50. That normally amounts to a first offense.

Article 30

(1) The arbitration commission considers and rules on a misdemeanor if requested by an injured citizen, a work collective, a housing community or some other injured

party, or when the case was assigned by the German People's Police or a chief with disciplinary authorizations.

(2) The arbitration commission can consider and rule on a misdemeanor only if the statute of limitation had not yet expired when the request was made. Misdemeanors carry a statute of limitation of 6 months.

(3) In libel, slander and illegal entry, the request must be made within one month after the injured party discovered the misdemeanor. If this deadline was missed without fault, the arbitration commission may, on request, grant release from the consequences of the missed deadline.

Article 31

(1) Holding a conference on a misdemeanor is petitioned either in writing or orally. Such petitions should contain, in particular,
--a summary of the facts of the case and the evidence at hand, and
--damage payment claims or other civil-law demands.

(2) The decision to assign the case is, in substance, governed by Article 24 sections 2 and 3 respectively.

(3) The arbitration commission, by resolution, turns down a citizen's petition for holding a conference on a misdemeanor if the petition itself indicates that no misdemeanor has occurred, when the statute of limitation has expired or the deadline for registering the petition has faultily been missed (Article 30 sections 2 and 3).

Article 32

(1) In dealing with a petition concerning a misdemeanor, the arbitration commission clarifies the facts of the case with the applicant, the accused citizen and other citizens and ascertains the causes and conditions of the conflict.

(2) The arbitration commission may hand the case on to the German People's Police for further processing if it cannot handle the case with the means at its disposal or if, after examining the effects of the act and the citizen's culpability, it is under the impression that a misdemeanor did in fact occur. This is a decision that can be made still during the conference.

(3) After examining the case, the German People's Police may return it to the arbitration commission, on which it then becomes binding.

Article 33

(1) Up to the end of the conference, the arbitration commission may protest to the German People's Police or the authorized chief of disciplinary action against having been assigned the case as long as the conference prerequisites are not met (Article 29) or it is under the impression that a misdemeanor has in fact occurred.

(2) In such instances, the German People's Police or the authorized chief of disciplinary action have to reexamine the decision. Another decision to assign the case makes it binding to the arbitration commission.

Article 34

(1) A conference on a misdemeanor is held with the applicant and the accused citizen in attendance. In exceptional circumstances, such as during a longer illness or longer absence, the applicant can ask some other citizen to take his place.

(2) In offenses against property, the arbitration commission can rule in the absence of the applicant, if the written petition concerning the misdemeanor is adequately substantiated.

(3) If the accused citizen fails to appear without cause even at the second session, the arbitration commission, exceptionally, rules in his absence, provided the facts of the case have been clarified and a decision is feasible in accordance with Article 11 sections 1 or 2. If that is not so, the case must be handed over for further processing to the German People's Police within one week.

Article 35

(1) In the outcome of the conference, the arbitration commission can refrain from assigning educational measures on account of a misdemeanor, if the educational purpose was achieved by the conference. That has to be so stated in the resolution.

(2) In dealing with libel, slander and illegal entry, the arbitration commissions works for a reconciliation between the accused citizen and the applicant. If a reconciliation is achieved, educational measures may be disregarded. The reconciliation must be mentioned in the resolution.

(3) The arbitration commission may issue the following educational measures:
--Passing on the citizen's liability to apologize to the injured party or before the collective, or imposing such a liability on him. The same applies to the liability to retract in a suitable form the libel or slander before the circle of persons that received knowledge of it.
--Passing on the citizen's liability to pay damages in accordance with legal regulations or repair the damage by his own work, or imposing such a liability on him.
--Passing on other liabilities of the citizen that would help protect and secure the property, human honor and dignity and the place of residence.
--The citizen is given a reprimand.
--The citizen is compelled to pay a fine between M 10 and M 150.

(4) In addition, Article 26 sections 2 and 3 are applied accordingly.

(5) When a misdemeanor is found to have been committed, the educational measures as of Article 27 sections 1 through 3 are to be applied.

(6) If in the outcome of a conference on libel, slander or illegal entry no misdemeanor can be proven and there are no opportunities for the German People's Police to investigate further, the arbitration commission decides by resolution that no misdemeanor is indicated.

Article 36

(1) If the applicant in turn has committed libel or slander against the accused citizen, such a misdemeanor can, upon request, be included in the conference, provided it occurred no longer than 6 months previous to it.

(2) If no reconciliation is accomplished between the applicant and the accused citizen, educational measures may be assigned to either one or both.

Article 37

(1) The applicant may withdraw his application up to the end of the conference.

(2) If the applicant, without showing cause, fails to attend a conference on libel, slander or unlawful entry, his application is considered withdrawn.

(3) In such instances, the arbitration commission drops further proceedings by resolution.

Considering Irregularities

Article 38

(1) Irregularities are culpably committed law violations expressing lack of discipline and hampering state management activity or interfering with the development of socialist communal life without, however, significantly violating the interests of socialist society or of individual citizens, wherefore they are no criminal acts.

(2) Only those law violations are irregularities that are explicitly defined as such in legal regulations.

Article 39

(1) The arbitration commission considers and rules on irregularities which interfere with socialist communal life in towns or communities and amount to infringements of public order and security, state and economic management measures on the local level, and the legal regulations on labor, health, fire and environmental protection and of price regulations.

(2) Once assigned by a competent disciplinary action official, the arbitration commission takes the case. Such an assignment may be made, once the facts of the case have become clear and the circumstances of the irregularity and the citizen's personality suggest the arbitration commission can bring a better educational influence to bear.

Article 40

(1) To ensure a thorough consideration of the case, assignment decisions mainly have to contain
--a summary of the facts of the case and the evidence at hand,
--a reference to the infringed legal regulation,
--the reasons for assigning the case to the arbitration commission, and
--references to the causes and conditions for the irregularity.

If damage was caused, the damage payment claim and the address of the injured party have to be added.

(2) Up to the end of the conference, the arbitration commission may return the case to the next-higher organ, if the prerequisites for its assignment are not satisfied (Article 39). Then the assigning organ processes the case for good.

Article 41

(1) In consequence of its deliberations, the arbitration commission may issue the following educational measures:
--Passing on the citizen's liability to apologize to the injured party or before the collective, or imposing such a liability on him.
--Passing on the citizen's liability to pay damages in accordance with legal regulations or repair the damage by his own work, or imposing such a liability on him.
--Passing on the citizen's liability to do up to 15 hours of unpaid work for the common good during his leisure-time.
--Passing on other liabilities of the citizen aimed at ensuring order, discipline and security.
--The citizen is given a reprimand.
--The citizen is compelled to pay a fine between M 10 and M 300. An adolescent can be fined up to M 20, if he has income or assets of his own. The amount of the monetary fine may not exceed the maximum as determined for fines in prevailing disciplinary regulations for fines.

(2) In addition, Article 26 sections 2 and 3 are applied accordingly.

(3) When irregularities are found to have been committed, educational measures are applied in accordance with Article 27.

(4) The arbitration commission may disregard educational measures, if the degree of severity of the irregularity allows it and the citizen's general conduct after his offense and his efforts to make up for it indicate that he is going to respect the socialist legal order in the future. When such measures are dropped, the resolution has to make a point of it.

Article 42

If the citizen, without showing cause, fails to appear even at the second session, the arbitration commission has to return the case to the organ from which it came within one week.

Considering Infringements of Mandatory Schooling

Article 43

(1) The arbitration commission considers and rules on the conduct of citizens who as parents or others having the parental educational responsibility fail to make sure that school-age children or other youths attend classes regularly at the general education polytechnical secondary schools or at vocational training institutions, or keep them from attending other mandatory school activities or from complying with school regulations or with duties resulting from the school setup.

(2) The arbitration commission also considers and rules on the conduct of adolescents (pupils of 14 years of age and older, and apprentices) who stubbornly refuse to go to school.

Article 44

(1) The request for a conference can be made by the director of the school in concurrence with the parents' advisory council or the director of the vocational training institution, if all previous educational influence brought to bear on the persons with the parental educational responsibility or on the youths remained unsuccessful.

(2) Inadequately substantiated requests may be returned to the requester.

Article 45

(1) The conference is meant to induce the persons with the parental educational responsibility to have children or youths fully comply with their mandatory schooling. If the conference accomplishes that purpose, educational measures can be discounted. This has to be so stated in the resolution.

(2) The arbitration commission may set down the following educational measures for persons with parental educational responsibility:
--Passing on the citizen's liability to help ensure regular school attendance by the shool-age child or adolescent, or imposing such a liability on him.
--Passing on the citizen's liability to help make the school-age child or adolescent attend mandatory school activities and comply with school regulations and any duties resulting from the school setup, or imposing such a liability on him.
--The citizen is given a reprimand.
--The citizen is compelled to pay a fine between M 10 and M 150.

(3) The arbitration commission may pass on the liability of a work collective, a housing community, or individual citizens to assist persons with parental educational responsibilities in meeting their educational liabilities.

(4) When an infringement of mandatory schooling is found to exist, the educational measures in accordance with Article 27 sections 1 through 3 are to be applied.

(5) The arbitration commission may instruct an adolescent who infringes his mandatory schooling about his duties.

Article 46

(1) The conference is meant to induce the adolescents, in accordance with Article 43 section 2, to comply fully with their mandatory schooling. If that purpose is accomplished by the conference, educational measures may be discounted. This has to be so stated in the resolution.

(2) The arbitration commission may issue the following educational measures to adolescents:

--Passing on the adolescent's liabilites that help ensure his fulfilling on his own the requirements resulting from mandatory schooling or the school setup, or imposing such liabilities on him.
--Passing on other liabilities the adolescent has, which help develop his assistance and coresponsibility at the school or vocational training institution.
--The adolescent is given a reprimand.

(3) The arbitration commission may pass on the liabilities of the persons with the parental educational responsibility, of a collective or of individual citizens to help the adolescent meet the demands made on him.

(4) When an infringement of mandatory schooling is found to exist, the educational measures in accordance with Article 27 sections 1 through 3 are to be applied.

Article 47

(1) If persons with the parental educational responsibility, without showing cause, fail to appear even at the second conference, the arbitration commission can rule in their absence when the facts of the case are clear. If the arbitration commission can come to no decision, it returns the case to the requester within one week.

(2) If the adolescent, without showing cause, fails to appear even at the second conference, the case is handed over within one week to the kreis school council or to the head of the vocational training and vocational counseling department under the kreis council.

III.

Appeals and Enforcing Decisions

Article 48

The Right of Appeal

(1) The applicant and respondent in civil law suits and other litigations, the applicant in cases of libel, slander and unlawful entry, or the citizen accused of a transgression, misdemeanor, irregularity or the infringement of mandatory schooling have the right to appeal, in written form, to the kreis court or to a deposition before a moving party, contesting the arbitration commission ruling, within two weeks after receiving the ruling. Also the injured party has this right, as far as the decision on repairing the damage and its outlays are concerned, as well as a citizen on whom a fine was imposed (Articles 7 section 3, 10 section 3 and 19 section 4).

(2) An objection against passing on a settlement in a civil suit or other litigations can be justified only by there not having been a settlement or its violating the principles of socialist law.

(3) The public prosecutor of the kreis in which the arbitration commission is located may appeal to the competent kreis court against any arbitration commission ruling, within 3 months after its having been rendered, if the ruling or particular liabilities fail to conform to the law.

(4) The kreis court in the area of which the arbitration commission is located decides on the appeal.

Deciding on the Appeal

Article 49

(1) The civil chamber of the kreis court rules on the appeal against the arbitration commission ruling in civil suits and other litigations. It may call for a deposition from the arbitration commission or summon the chairman or members of the arbitration commission and other citizens for an oral argument, insofar as its ruling requires it.

(2) To proceedings before the kreis court there apply the provisions of the 19 June 1975 law on court procedures in civil, family and labor law matters--Code of Civil Procedure--(GBL, Part I, No 29, p 533). To the release from the consequences of having missed the appeal deadline there applies Article 70 section 1 of the Code of Civil Procedure accordingly.

(3) No legal remedy exists against the civil chamber ruling on an appeal against an arbitration commission ruling on the violation of socialist work discipline by a member of a production cooperative.

Article 50

(1) An appeal against arbitration commission rulings on plain civil suits and misdemeanors connected with them in the form of libel, slander and unlawful entry (Article 22) is decided by the civil chamber of the kreis court.

(2) To appeal proceedings against the civil-law part of rulings there apply Article 49 section 1, sentence 2 and the provisions of the Code of Civil Procedure.

(3) To appeal proceedings against that part of the ruling that concerns the misdemeanor there apply the provisions of Articles 51 and 52 section 1 accordingly. No legal remedy exists against that decision.

Article 51

(1) An appeal against an arbitration commission ruling on a transgression, misdemeanor, irregularity or infringement of mandatory schooling, and against the imposing of a fine, is decided, through resolution, by the penal chamber of the kreis court. Prior to settling it, it may conduct an oral argument and hear what the citizen has to say about his appeal. It may also call for a deposition from the arbitration commission or summon the chairman or members of the arbitration commission and other citizens for an oral argument, insofar as its decision requires it.

(2) The penal chamber can cancel an arbitration commission ruling and return the case with appropriate comments to the arbitration commission for a new deliberation and decision, or it can refuse the appeal, if it is unjustified. Prior to canceling an arbitration commission ruling on making good for damage, the injured party must be given the opportunity to comment on the appeal.

(3) Returning the case to the arbitration commission for a new deliberation and decision is set aside, and the penal chamber makes the final decision, if it is certain that the accused citizen is not to be blamed, or when all that remains to be done is to decide on making good for the damage or reducing the monetary fine. An amicable settlement may be the outcome in the case of libel, slander and unlawful entry, or in actions for damages. An appeal against fines is settled by the penal chamber for good; returning it for reconsideration is impossible.

Article 52

(1) An appeal on which the penal chamber of the kreis court has to decide can be withdrawn until the verbal argument in the proceedings ends.

(2) No remedy exists against the decision by the penal chamber of the kreis court on the appeal.

(3) In the appeal's trial before the penal chamber, each participant himself pays for the expenses he incurs. The accused citizen, if it turns out that he is not to be blamed, is reimbursed, upon request, from the state budget. For budgetary expenses the participants are not charged.

Enforcing the Decision

Article 53

(1) The citizen shall fulfil obligations assumed or duties imposed upon him on his own free will.

(2) Monetary penalties or fines are paid to the council of the city, city-district or community in the area of which the citizen resides. About payments received the arbitration commission is to be informed.

(3) The citizen's obligation to perform unpaid work for the common good in his leisure-time shall be taken care of within 2 months. The council of the city, city-district or community in the area of which the citizen resides is to determine when and where that work is to be performed. About its having been taken care of, the arbitration commission is to be informed.

(4) If a citizen fails to meet the obligations set down in the resolution, the arbitration commission may reopen the case (Article 15 section 5). Within the scope of provisions applicable to the case (Articles 20, 26, 35, 41, 45, 46), it may set down a different appropriate educational measure.

Article 54

(1) Arbitration commission decisions on monetary claims, making up for damage, monetary fines, the release of objects, the intent, toleration and omission of actions and the reimbursement for outlays may be declared enforceable by the kreis court and be so enforced.

(2) The claimant may petition the kreis court to enforce the decision. With regard to the monetary penalty and fine, the local council has that right as well.

Article 55

(1) The civil chamber of the kreis court decides on enforcement by resolution.

(2) Proceedings before the kreis court are governed by the provisions of the Code of Civil Procedure.

IV.

Special Provisions

Article 56

The Decisions' Range of Effect

(1) Arbitration commission decisions on transgressions, misdemeanors, irregularities, and infringements of work discipline and mandatory schooling remain in effect for the duration of one year from the expiration of the appeal period.

(2) To the enforcement of claims from arbitration commission resolutions apply the time frames for the statutes of limitation according to Article 480 of the Civil Code of the GDR, of 19 June 1975 (GBL, Part I, No 27, p 465).

(3) The enforcement of monetary penalties and fines lapses after 2 years.

Article 57

Accountability of the Members of the Armed Organs

(1) The arbitration commission is not authorized to consider and rule on transgressions, misdemeanors and irregularities by members of the armed organs.

(2) If the arbitration commission receives a case concerning the transgression or irregularity of a member of the armed organs, it declares itself not competent and returns the case to the organ from which it came.

(3) If the arbitration commission is petitioned or assigned a case dealing with the misdemeanor of a member of the armed organs, it submits the petition or assignment to the authorized commanding officer or precinct chief or refers the petitioner to the commanding officer or precinct chief.

V.

Support of the Arbitration Commissions

Article 58

Arbitration Commission Advisory Council

(1) The arbitration commission advisory council under the director of the kreis court and the director of the bezirk court supports and promotes the work of the arbitration commissions and helps enhance their public efficacy.

(2) The advisory council, in its sessions, deals with major emphasis tasks, based on an operations plan, in support of arbitration commission activity. Such tasks principally pertain to:
--Assessments of the arbitration commissions' jurisdiction and their public efficacy in the various fields of law,
--assessments of the assignment and petitioning practice in transgressions, misdemeanors, irregularities and infringements of mandatory schooling,
--encouraging the law propaganda activity of the members of the arbitration commissions,
--shaping an effective cooperation between the arbitration commissions and the local people's representations and their organs and with the commissions of the National Front of the GDR, particularly for ensuring order, discipline and security in the cities and communities,
--preparing experience exchange and conferences with the chairmen and members of the arbitration commissions,
--training measures for the members of the arbitration commissions,
--ensuring the arbitration commissions' functionality, particularly the need for by-elections and the redistricting of arbitration commission areas, and
--recommendations for paying tribute to the fine work done by arbitration commissions and for awarding distinctions to arbitration commissions or specific members of them.

(3) The advisory council in its sessions mainly deals with assessments and practical experiences submitted by the court and other organs represented in the advisory council in fully assuming its legal responsibility for managing and supporting the activity of the arbitration commissions.

(4) The head and the members of the advisory council exploit the advisory council sessions for their own fields, arrange for necessary measures and inform the advisory council on their outcome.

Article 59

Objective Prerequisites for the Activity

The councils of the cities, city-districts and communities and the boards of the production cooperatives are under the obligation to create the objective prerequisites for the work of the arbitration commissions operating in their area. That, in particular, includes the following obligations:
--making available the necessary legal regulations, instruction materials and literature,

--providing suitable accommodations for the conferences and office hours,
--ensuring safe documentary storage,
--taking care of the written work and making a recording secretary available, if necessary, and
--allocating the means necessary for arbitration commission work and the appreciation for that work.

Article 60

Reimbursement

(1) Upon request, the council of the city, the city-district or the community, or the production cooperative, has to reimburse the arbitration commission members for expenses incurred in connection with arbitration commission activity.

(2) For needed expenses incurred in connection with instruction and training, the arbitration commission members are to be reimbursed by the kreis court.

Article 61

Support Obligation

If someone responsible for supporting the arbitration commission fails to meet his obligation, the arbitration commissions are entitled to turn to the next-higher organ and demand the fulfilment of that obligation.

Article 62

Storing and Delivering Documents

(1) The arbitration commissions keep the written documents about their activity and the registers for 2 years.

(2) The period during which such materials must be kept begins with the first day of the calendar year following the date on which the case was concluded, and for the registers it is that of the last entry.

(3) After the expiration of that period, the written documents and registers are to be transferred to the kreis court under the jurisdiction of which the arbitration commission falls.

VI.

Final Provisions

Article 63

The minister of justice is charged with taking the measures necessary for implementing this resolution in concurrence with the authorized central organs. He may issue implementation regulations for it.

Article 64

(1) This resolution goes into effect on 1 January 1983.

(2) At the same time, the resolution of the State Council of the GDR of 4 October 1968 on the election and activity of the arbitration commissions--Arbitration Commission Order--(GBL, Part I, No 16, p 299), in the version of the 19 June 1977 law on court procedure in civil, family, and labor law matters--Civil Law Order--(GBL, Part I, No 29, p 533) and the first implementation regulation, of 7 May 1973, for the Arbitration Commission Order--Order on the Place, Tasks and Working Method of the Arbitration Commission Advisory Councils in the Kreis Court Directorates and Bezirk Court Presidiums (Advisory Council Order)--(GBL, Part I, No 29, p 288) is rescinded.

9885
CSO: 2300/242

NAVY'S TIES WITH CIVILIAN SPONSORS SEEN 'MUTUALLY INFLUENTIAL'

East Berlin NEUES DEUTSCHLAND in German 3-4 Apr 82 p 13

[Article by Vice Admiral Guenter Kutzschebauch, deputy commander, People's Navy; chief, Political Administration: "Traditions of Our National People's Army: Sailors and Their Sponsors From Cities and Enterprises"]

> [Text] Guenter Kutzschebauch is 51 years old and an agricultural worker by profession. From 1947 on he was secretary of the FDJ district office in Marienberg and voluntarily entered the People's Police in See in 1950. He graduated from military and political educational institutions in the GDR and in the USSR. In his career as a political officer he was deputy commander for political matters on a ship, director of the political department of a torpedo speedboat brigade and director of the political department of a flotilla. He has been deputy commander of the GDR's People's Navy and chief, Political Administration since 1974.

A meeting of the city assemblymen is taking place in Grimmen. Among those present is a delegation from the assault ship of the People's Navy which bears the name of this Mecklenburg district capital. The council reports on the fulfillment of economic and communal tasks. And the delegation reports on the ship's crew's accomplishment of its military mission of securing the workers' and peasants' power.

This example is not an exception. In Berlin or Rostock, Riesa or Kyritz, Soemmerda or Anklam--in all cities which have given their names to ships of the People's Navy, this form of public reporting is an established part of the sponsorship between ships' crews and the population of those cities. The close relationship between the citizens of our country and its sailors has been obligatory for more than two decades of Navy life.

Proclamation by the "Schwerin"

In late 1961, the crew of MLR ship "Schwerin" proclaimed its intention to follow the example of the workers of the Elektrokohle Berlin state enterprise and its production effort after 13 August and to enter into competition for

the title of "Best Ship," as well as to conclude a friendship agreement with its sponsoring city. This was imitated widely. Almost every ship's crew concluded partnership agreements at that time. Then and now these sponsorships have great influence upon the optimum accomplishment of the military mission by the military collectives.

The crews of modern combat vessels consist mostly of young specialists who after graduation from schools had been working in a great variety of industrial enterprises. That is the reason why they easily find common ground with the citizens of the sponsoring cities during visits to enterprises, discussions with the workers or military-political seminars in secondary schools. During such meetings our sailors are also aware to what extent the thought of defense readiness is rooted in our people, because many workers contribute to the strengthening of our national defense in combat groups, civil defense, reservists' collectives, the FDJ recruiting collectives or the Society for Sport and Technology organizations. This also becomes evident through the interest and knowledge with which sponsor city representatives follow the reports during shipboard visits on how the crews accomplish their military mission and how they managed to acquire modern technical skills in minimum time.

It has long been a common occurrence in many a city, even in those distant from the coastline, to see delegations of sailors participating in political marches, in fairs, and in discussions in enterprises and schools. A part of the established method is also the maintenance of direct relationships within the framework of the sponsorship of individual military units with specific enterprises; e.g., with the Cottbus automobile maintenance shop, with a brigade in a Schwedt department store, with the Eberswalde slaughter and processing plant, or with student groups in Neubrandenburg.

The mayor of Rostock regularly receives visits by a delegation from "his" coast guard ship, which he briefs on developments in the district capital. This year officers have served and are serving in "their" cities as speakers at youth consecrations, such as in Schwedt, Grimmen and Hagenow.

Common Motives

Close relations with workers in cities and in the country are not restricted to contacts with cities as such. Among the honorifics which are awarded by the minister for national defense to ships, units and posts are also the names of revolutionary fighters of the working class. The People's Navy has for instance the missile speedboats "Albin Koebis" and "Max Reichpietsch," the officer academy "Karl Liebknecht," the naval school "Walter Steffens" and the torpedo speedboat unit "Fritz Globig."

The names of these role models are also borne by polytechnic institutes, brigades in enterprises and 100-men units of battle groups, with which equally close relationships were established. The "Walter Steffens" naval school for instance has close contact with an FDJ organization in the Ministry for Export Trade, with the 34th Polytechnic Institute in Stralsund, with a unit of the Society for Sport and Technology (GST) and with a GST 100-man unit

of the same name. Similar bonds tie the "Fritz Globig" troop unit to sponsor organizations in the districts.

Once every year there is a meeting of the bodies bearing the same honorary designation, during which there is an exchange of experiences and knowledge in traditional research and of results in the indoctrination of socialism. This gives rise to the formulation of political motives designed to expend one's best efforts at work and in the military assignment toward the strengthening and the protection of the republic.

The closer the relationships between sailors and workers, the more effective becomes this mutual influence. That is why increasing breadth and significance are acquired by contacts between military members and their former work collectives, enterprises, place of birth, sponsoring city, FDJ and GST organizations, and vice versa. Use is also made of the opportunity to write letters to the former workers' collective, parents and relatives, informing them of the manner in which their colleague, husband or fiance accomplishes his honorable task.

In his recent speech before the parliamentary people's chamber on the establishment of the military service law, General of the Army Heinz Hoffman had this to say: "These close ties contribute to strengthening the unity of the people and the army."

Performance Competition

Every year there are also in our country countless meetings between members of the NVA and those of the Soviet Army. The Brotherhood in Arms Week also provides an opportunity for our citizens for thousands of encounters with their soldiers.

"Their soldiers"--this includes not only the members of the NVA; it includes to the same extent the brothers in arms from the countries of the socialist defense coalition. Just recently, the Kotte unit was host to ships of the Baltic fleet and of the Polish Navy. Along with the crews of the People's Navy, the brothers in arms also demonstrated their proficiency in military performance competitions, in sports and cultural competitions. The workers of the GDR consider all of them--as was also the case in maneuvers--to be "their soldiers," who together and with high motivation serve the cause of protecting peace and socialism.

9273
CSO: 2300/250

PEACE MOVEMENT IN EAST, WEST CONTRASTED

FRG Representative's View

Bonn VORWAERTS in German 1 Apr 82 p 15

[Article by Guenter Gaus, FRG representative in the GDR: "Peace Is Not Divisible--The Peace Movement in the GDR Has the Tenacity of a Lone Wolf," A translation of the interview with Stephan Hermlin cited below follows this article]

> [Text] The peace movement in the GDR is characteristically close to the hearts of those who have a few good words to say about the peace movement in the FRG. Guenter Gaus, veteran representative of the Federal Republic in the GDR responds to the question: Why is there no peace movement in the GDR and in other socialist countries as there is in West Germany? He and Stephan Hermlin, who last December issued invitations to an East-West writers conference in East Berlin, point out the commonalities and the contrasts between the peace movements of the East and the West.

Are we really certain that there is no peace movement in the GDR and in other socialist countries? Reports have been coming from the GDR for some time now, that a pastor has written letters and gathered signatures or that some young people have been demanding a form of civilian alternative to compulsory service in the National People's Army.

Not all of these reports agree with each other; often they have been blown up out of all proportion. This is a matter of concern especially for those among us who have little good to say about the peace movement in their own country. Yet whenever there are even hints of a visible departure from the state and societal norms "over there" where there is little room for tolerance of peace movements as we know them--then these same people who claim to see a communist underground movement at work in such demonstrations as the one at the Bonn Hofgarten--demonstrate their most heartfelt sympathy. For then they can shift their opposition "over there" and by so doing feed their illusions. What is written in bigger headlines here than is really the case, almost always redounds to the personal cost of those affected in the GDR: after all, sacrifices have to be made.

totally schizophrenic--almost a plague when it concerns the reality of issues in the GDR--is the response of those among us in this connection; as soon as peace appeals from their fellow-countrymen in the GDR are spelled out in detail, which on this side of the Elbe are an offense against the dominant NATO doctrine, but on the other side of the East-West German frontier river are a rebellion against the military plans of the Warsaw Pact.

Robert Havemann, with his most recent statements on disarmament, has become the convenient target of such two-faced commentary in the Federal Republic. Keep in mind (to really understand our country): what Havemann has been saying to the satisfaction of us in the FRG is forbidden to Eppler; and even Havemann can only say it as long as the communists have the last word in the GDR, because only so long as that is the case is he even a slightly useful man for our purposes.

It if were not so sad, it would be cause for laughter namely at the fact that even over here the ideological superstructure has debased the facts. Except that we come off poorer than the system of the other German state, because our superstructure ought, according to its definition, find its justification in placing a higher value on objectivity than on bias.

Why am I dealing with a peripheral issue? Because it is not really peripheral. Because on our side of the military border between the two defined military blocks--this border being identical with the East-West German border mainly as a result of our guilt and primarily to our misfortune--we have to be constantly aware of how much fast and loose talk is being expended on the peace movement on both sides; and on our side this is often more cleverly spun out such that one does not notice it at first glance. Thus we must always be mindful of what commentary Havemann finds and what Eppler finds among us when both propose the same thing.

Is there possibly some hint in the question of why there is (purportedly) no peace movement in the Warsaw Pact states of the seed of Western arrogance that may have been planted by a propaganda which, while it does not esteem the peace movement in its own country, would count the lack of such activity "over there" as a plus point for our side?

There is very definitely a peace movement in the GDR, which is hurt by deliberate exaggeration of its existence on the part of certain political forces, though it is not about to lie down and die. It has the tenacity of a lone wolf in a harsh environment; it is not endangered by the resigned sobriety that takes over many of its Western supporters after the fervor of a mass demonstration has flown--and peace is no certainty of victory but rather a day-to-day political committment.

The socialist states do have their peace movements, unless one is not prepared to recognize them when their members number fewer than in the hundreds of thousands. I would add this: as far as I can judge the lone wolves in the GDR, they do not wish to exchange the doctrine of the Warsaw Pact for that of NATO. We are not talking about people with conveniently comparable convictions.

On one point, of course, the question is correctly posed. By the nature of the system in Eastern Europe there cannot be any spontaneous mass movement as with a European peace campaign. One thing should be learned in the West from this fact--the peace movement--if it is to be at all effective against the "political machines" in the West and in the East--cannot base its success solely upon a rank-and-file mentality. It will have to take account of the realities of both systems in its plans and actions, or else it will vanish like so many other exuberant and illusionary campaigns before it.

The now prohibited emblem of the peace movement in the GDR--Swords Into Plowshares

GDR Writer's Comments

Bonn VORWAERTS in German 1 Apr 82 p 15

[Interview with Stephan Hermlin, member, GDR Writers Union; by Heribert Schwan, co-author with Werner Filmer of the book, "Was heisst fuer mich Frieden?" (What Does Peace Mean to Me?), containing among other things Guenter Gaus's article translated above as well as this interview (date and place not indicated); published by Stalling, Oldenburg, 1982; 269 pages, DM 16.80. For references to various other articles on this and related subjects see translation of a Hamburg DER SPIEGEL article published under the heading, "Activities, Ramifications of 'Dresden Peace Forum' Reported," in JPRS 80394, 24 Mar 82, No 1992 of this series, pp 1-5]

[Text] [Question] How are you defining peace?

[Answer] You know, that's not so easy to say. It means the absolute refusal to employ violent military means in relationships with one's neighbors or with any other countries. That is the principle of peace which would have to guide policy. That means that while I can fall into sharp disagreements with my neighbors on specific questions and so on, we must both live in the absolute certainty that such disagreements will never take on the form of warlike action.

[Question] To create peace without weapons?

[Answer] Yes, I believe that this phrase, that this idea, is certainly worth discussion and that it should be taken very seriously. I am firmly convinced that we will have to begin by discussing these ideas, these proposals which can lead to peace with each other and to take serious thought to all of them, for no one can say that he has a plan that is dead certain. There are so enormously many problems that we have to deal with that we will have to think through all of these things with each other.

[Question] The fear of nuclear death you probably see having its origin in the GDR not just from the planned stationing of new U.S. medium-range missiles in Western Europe but just as much from the already installed Soviet SS-20's?

[Answer] Of course a population is afraid of a nuclear confrontation and of course it knows that even a nonaggressively intended stationing of nuclear weapons is automatically going to draw the nuclear weapons of its opponent and the danger arises from this whole concatenation of circumstances and it's clear that any population is not going to be gazing just in one direction when it is concerned.

[Question] Your country's government has shown its respect for the peace movement in the West. Such peace initiatives are not tolerated in the GDR. How do you explain this contradiction?

[Answer] I wouldn't say that they are not tolerated. The situation is this: no one would have thought it possible that a meeting like that of the writers and scientists in East Berlin could have come to pass. Even a few months ago, everyone would have said the idea was absurd. It can't come to pass. For the meeting of 100 people actually took place in full view of the public. That means that the entire television network, the entire press was able to witness it from the first moment to the last. And this took place on the soil of the GDR. Many demonstrations for peace are taking place in the GDR, have taken place in the past and I don't see why peace initiatives shouldn't be possible among us. They are definitely possible. I know, for example, how many peace initiatives are taking place not within the framework of political organizations but also, for example, within the churches.

[Question] What's your personal opinion of the statement: peace must bear arms, as formulated by the SED?

[Answer] That's a statement that may once have been valid in, I want to emphasize, in earlier times. Today, in my opinion, it has become absurd.

MARSHAL RANK CREATED FOR ARMED FORCES

Hamburg DER SPIEGEL in German Vol 36 No 16, 19 Apr 82 pp 138-139

[Unattributed article: "Titles: Lazy Fools"]

[Text] The GDR's National People's Army wants to upgrade its image also as being the number one fighting force of the Warsaw Pact after the Soviets: it is creating the bombastic rank and title of a marshal.

For the past 21 years there has been no more room for additional stars on the gold-embroidered epaulets of the GDR's minister for national defense. Ever since Heinz Hoffmann was promoted to the rank of army general by Walter Ulbricht in 1961, he has held his chest ready.

It was gradually decorated with the USSR's Order of the Red Flag, with the gold battle order "For Merit for the People and the Fatherland," the gold Fatherland Order of Merit, the Karl-Marx-Order, and the Order of the Patriotic War, First Class. Somewhere in there is the Scharnhorst Order, named for the creator of the Prussian People's Army.

But General Gerhard Johann David von Scharnhorst would not have dared to unleash the Spanish civil war veteran and "Hero of the GDR" against Napoleon on the battlefields of Jena or Auerstedt. The Prussian army reformer was always against promoting officers by seniority, only because they were getting older.

Age, according to Scharnhorst, must not constitute an entitlement to higher rank in the army, because this would result in "bypassing active, alert, ambitious men, whose spirit is threatening to consume their bodies--and would, with few exceptions, place lazy, phlegmatic fools at the top."

Scharnhorst's warning, coming from a man who is otherwise presented as a role model by the GDR leadership to its soldiers, is ignored by the SED--instead of being pensioned off, the 71-year old Hoffmann is to be promoted to "Marshal of the GDR."

The Unity Socialists, who started out as antifascists and antimilitarists, are continuing a tradition which was last practiced in Germany by Adolf Hitler.

The latter handed out marshal's batons like pea soup. Military officers had been disadvantaged long enough: since the "forward marshal," Gebhardt Leberecht Prince Bluecher, there had been only a few field marshals in the Prussian Germany during peacetime; among them were War Minister Roon, Boxer Rebellion fighter Waldersee and Count Schlieffen.

Wartime Marshal Hindenburg still promoted to that rank the Fuehrer's first Reich Minister of War Werner von Blomberg, who in 1936 became Hitler's first general field marshal. As a reward for the invasion of France Hitler then handed out marshal's batons to 12 of his generals on 19 July 1940. After the end of the war, Erich von Manstein, who had himself been promoted to general field marshal, criticized the overly generous flood of stars as follows: "When Hitler, in addition to an admiral of the fleet, appointed 12 field marshals in one fell swoop, this could only cheapen the value of that title which until then had been considered the highest honor in Germany."

By the end of the war Hitler had used up 26 general field marshals and grand admirals, not counting the vain Reich Marshal Hermann Goering, who with his fruit-salad-covered fantasy uniforms made all other officers look like civilians in flaming gray.

There will not of course be that many in the GDR. In last week's decision by the council of state, it was stated that the top rank should be awarded "in a war situation or for extraordinary performance." For the time being, Hoffmann is the only candidate. He would become the first German marshal since Robert Ritter von Greim, who was still decorated with marshal's insignia by Hitler on 26 April 1945.

This would of course not constitute a precedent for the National People's Army. The latter prefers to think in this connection of a traitor to Lenin's revolution: Josef Stalin, who at the end of the war created himself the "Generalissimo of the USSR," the only one to this day.

In 1935 Stalin reintroduced officers' and noncoms' ranks in the Red Army, which had been abolished during the revolution. He placed five marshals of the Soviet Union at its head; three of them, including First Deputy Minister of Defense Mikhail Tukhachevsky, he had shot 2 years later during the great house cleaning.

Those who survived were compensated by Stalin in 1940 with glittering ostentation--five-pointed gold stars which would have been the envy even of the ostentatious Goering.

This is how the Soviet party newspaper described the jewelry, which is worn on the necktie: "Between the points of the star there are five diamonds weighing a total of 3.06 carats; between them is a five-pointed platinum star with diamonds. In the center is a 2.62 carat diamond and on the center rays another 25 diamonds weighing a total of 1.25 carats. The gold star has a diameter of 44.5 millimeters and the platinum star, 23 millimeters.

At present eight marshals of the Soviet Union are wearing the jewels, as well as Leonid Brezhnev and Minister of Defense Dmitri Ustinov; further, 12 air marshals and two air chief marshals; two tank and four artillery marshals; two engineer marshals and one signal corps marshal; four fleet admirals, Fleet Admiral of the Soviet Union Gorshkov and two dozen army generals.

When Hoffmann becomes Marshal of the GDR, he will have to start by removing some stars; the four small general's stars on his epaulets will probably be replaced by one big marshal's star.

A similar rank insignia, two crossed marshal's batons on the uniform coat, are worn within the Warsaw Pact since 1945 by only one other oldster: 91-year old Marshal of Poland Michal Rola-Zymierski. The Bulgarians and Romanians, who know the marshal's rank also, no longer make use of it.

Thus the National People's Army is upgrading itself to be the first of the fraternal armies after the Soviet Army in a visual sense too. The SED leadership is not only trying to do something about the lack of promotion opportunity in the top military grades, but also to give its veterans a new career incentive--just like the 18th French Louis, who on 8 August 1819 said to the officer cadets at Saint-Cyr: "Always remember that every one of you carries the marshal's baton in his ammunition pouch. It is up to you to bring it out."

When in the 17th century the French Army had several marshals on its rolls, the baton was awarded to the commander-in-chief as his sign of authority. This motivated his envious rivals not to rest until they could all parade around with the decorative little stick.

At present the modern Western armies are still suffering deprivation in this respect: within NATO, only the French force de frappe provides for marshal's rank--on paper. The last Marshal of France, Alphonse Juin, died in Paris in 1967 at the age of almost 79.

The rank of general of the army, the equivalent of field marshal, can be attained by British or U.S. officers; but in those armies such billets have not been filled since Bernard Montgomery, the Korean war's Douglas McArthur and the last five-star U.S. General Omar Bradley.

The Bundeswehr wants to remain modest in this respect also: there will be no Federal Marshal. The military men on the Hardthoehe are ridiculing the fact that the workers' and peasants' state is going to reintroduce this bombastic title. Says one senior officer: "As long as it's good for combat effectiveness..."

9274
CSO: [illegible]/269

CAUSES, CONSEQUENCES OF MARRIAGE FAILURES IN GDR ANALYZED

East Berlin NEUE ZEIT in German 20 Feb, 13 Mar 82

[Two-part "Woman, Family, Society" feature report by Gudrun Skulski on a conversation with Dr Jutta Gysi, head, "Woman and Family" research group, Institute for Sociology and Social Policy, GDR Academy of Sciences: Part I: [20 Feb 82 p 8] "Equal Rights in the Family--The Claim to Happiness and Divorce in the Context of Social Processes; Part II [13 Mar 82, p 8] "The Basis of a Marriage--Partnership Also Requires Outside Inducements"]

[20 Feb 82 p 8 Part I]

[Text] Solemn music, dignified words that speak of love, of mutual understanding and trust, and of affection--may it last a lifetime. A "yes" confirms the alliance. Rings are exchanged as a symbol of the new union. Hopes, wishes and expectations accompany the start together of two young people. Will they be fulfilled? How will the two handle the daily problems? Will their love stand up to the stresses of occupation, household, marriage and family? Will they find the happiness that they dreamed of? Those are the thoughts of parents and older people sitting with them at the wedding table.

As we know, this unencumbered happiness does not last for everyone and is also not constant, says Dr Jutta Gysi, head of the research group "Family and Society" at the Institute for Sociology and Social Policy of the GDR Academy of Sciences. Very soon the young people notice that everyday life provides many problems, along with large and small difficulties requiring decisions. That is perfectly normal, for education, occupation, household and family obligations, acquisitions, free-time interests and the hunger for experiences can only rarely be reconciled immediately without friction. Considering that these daily problems are a part of life, if the firm resolve and ability are present to solve them together and in a friendly manner, then the future of the marriage will surely not be shaken. On the contrary, solving such problems together can strengthen compatibility. But often young people in particular do not feel adequate to the higher demands and responsibilities resulting from their life together. Suddenly they perceive both daily and unusual problems as unsolvable. Sometimes the congratulations have barely died away when some of them, hopes and expectations dashed, stand before the judge in order to correct their "error."

Since, however, marriage and family conflicts also affect other married people, even those considerably older, it is understandable that divorce is often discussed in our country. In essence, every divorce is also a family separation

which perceptibly affects the lives of those involved and touches their joy of living, their expectations for happiness and the further course of their lives. Not just the marriage partners themselves and their children, relatives and friends suffer but also the society, which in turn has to bear a good portion of the consequences, because new demands result for housing, along with a greater social contribution in the education of the children and the support of single parents, effects on work satisfaction and productivity, and other factors, says Dr Jutta Gysi.

For this reason it is important and necessary to be involved with the causes of divorce and with the question why certain problems lead to divorce in some marriages, whereas obviously for a much larger portion of marriages the same or similar conflicts can be resolved. That is no easy task, explains Dr Gysi, because we--and other countries as well--know too little about such causes. One can assume that the reasons given by the "divorce candidates" and considered by the court are often only the symptoms of the causes for marriage failures, and the actual origins are very much deeper and more complex. Many of these reasons and circumstances have to do with the tremendous changes in the socialist society and are an expression of the vitality and the tempo of the social processes taking place in our society.

Socialism has freed marriage and family from economic and moral constraints, and has created all of the prerequisites for the development of the inner values and traits in this area of life. Equality of rights for women in the society and family, love and affection as the exclusive motivation for marriage, harmonious companionship, the desire to have children, and social security are all an eloquent expression of the enormous social upheavals that we experience and live daily. This exalted position enjoyed by partnership, marriage and family also creates the wants and demands that husband and wife, parents and children place on living together. Possibilities for social development, high expectations for personal development and the requirements of the society on each individual go hand in hand with equally high expectations on the partner and on the marriage.

Unfortunately, all too often the expectations are exaggerated, that is, unreasonable, based on the fallacy that social success standards must also be applied to marriage and family without differentiation, declares Dr Jutta Gysi. Thus, we often forget that marriage and family are special and cannot be measured with the same criteria as other collectives and associations. In a social sense, marriage and family are considerably less accessible areas of life. Not only do they give a person a great deal of freedom of choice and latitude for creativity, but they also demand a certain amount of self-responsibility that no other person and no social organization can take away from him. Because of this relative isolation, self-reliance and intimacy thrive better in marriage and the family, as is true of in many ways very stubborn conventional moral perceptions, traditions and views from many thousands of years development in this area of life. As everyone knows, that is especially true for the relationship between the sexes, that is, traditional role concepts that are passed on to the children--generally unconsciously and unintentionally.

This explains the widespread view that equality for women in the family "is not keeping pace" with equality in employment. Especially the younger generation must be made aware of these problems, so that it will be prepared to deal with them, although under no circumstances should the necessity of divorce be doubted, explains Dr Jutta Gysi. A ruined marriage that has lost its meaning for the marriage partners and the children, and thus for society as well, should be ended if the partners want to separate. A simple and inexpensive divorce, compared with bourgeois family law, is an accomplishment of socialism, and a high divorce rate can also indicate that the society and its citizens place great value on harmonious and happy relationships in marriage and family.

[13 Mar 82 p 8 Part II]

> [Text] The unencumbered happiness of the wedding day does not last a lifetime, and the marriage is threatened by many minor storms. Our colleague Gudrun Skulski spoke with the head of the research group "Woman and Family" of the Institute for Sociology and Social Policy of the GDR Academy of Sciences, Dr Jutta Gysi, on the preconditions for marriage stability. The following is a continuation of the article "Equal Rights in the Family," which we published 20 February 1982.

But what is it that assures the continuation of a marriage? Is it the children, common interests, geniality in the home, sexual compatibility, mutual friends? Of course there is no single formula for all marriages. For that, people are much too different in their needs, values, characters and demands. What is important for one person may carry no weight at all for another. The question is especially difficult to answer because involved is a partnership which evolves and where both husband and wife expect it to fulfill the wants, expectations and demands for happiness that both place on the marriage, says Dr Jutta Gysi.

The problem of marriage stability begins with the selection of the right marriage partner who has identical or similar views on marriage and family and life. The widespread belief that a poor choice of partner leads to marriage failure cannot, therefore, be dismissed lightly, provided that the argument is not actually concealing one's own failure. Children, common interests, sexual compatibility and a certain harmony in basic character and temperament definitely are exceptionally favorable factors for the continuation of a marriage. But since this partnership is also dependent upon impulses from outside, and the formerly valid motto for marriage "a cozy home makes for happiness" is no longer enough, an interesting and stimulating job, the receptivity of the marriage partners to political and social matters, and steady contact with mutual friends are also very important.

The most important conditions for the permanence and development of a marriage, however, are to be found in the actual moral values and attitudes existing in and practiced by the marriage partners. This is valid for equality of rights

and comradeship, for mutual decisions in all matters of living together, for an atmosphere of understanding, for mutual respect, responsibility for one another, participation in success, but also for sensitivity to the other's problems, as well as for a mutually satisfactory division of household duties and a sharing of free time by parents and children. These values, in turn, are decisively related to the continuation of love, which itself changes or develops in the course of the individual phases of marriage. If the married couple is able to preserve their love and affection, then they will have stablished a stable foundation for the will, capacity and involvement of the marriage partners in trying to make the marriage last. This effort should occasionally also include adding something new to the mundane and unfortunately often monotonous daily life in order to avoid the routine and uniform patterns of marriage.

In preparing young persons for love, marriage and family, for whose social realization much still remains to be done, it is important to begin as early as possible with the training of attitudes and behavior toward the opposite sex. It is especially important for young persons to learn cooperative thinking and to make the leap from I to you to we, to be ready to support the other person, and to organize and master life for him and with him, says Dr Jutta Gysi. Prior to marriage young people are often not sure what tasks and problems they will face. Therefore, they must be prepared for them in time. The social educational process from the crib to marriage, and preferably beyond that, must include the practicing of cooperative behavior as an element in the general norms of human behavior. Naturally, abilities and skills must be learned and practical knowledge must be taught. That cannot be the task of the school system alone, but it does bear a large responsibility there.

For years, marriage, family and sexual counseling services have been effective in helping to solve marriage problems, although as a rule they cannot make fundamental corrections to defective partnerships. Mainly they help in very special conflicts, and are successful when the marriage partners are prepared to fight to save the marriage.

From our point of view, we would like to add to these statements by scientist Dr Jutta Gysi by saying that in addition to the mentioned commitments, for Christian married couples the common faith and the resulting ethical views on the life of two people together determine the atmosphere in the marriage bond. They form a significant basis for seeing that harmony and friendliness and love for one's fellow man set the tone in the family.

[illegible]
[illegible]

'TARSADALMI SZEMLE' ANALYZES POSITION, PROBLEMS OF PZPR

Budapest TARSADALMI SZEMLE in Hungarian No 4, Apr 82 pp 76-77

[Article by Istvan Pataki, political colleague of the MSZMP CC]

[Excerpts] The PZPR faces monumental tasks in attempting to fulfill its leading role in the process of socialist evolution. It is hardly debatable that the party suffered painful losses over the past decade, especially during social movements following the summer of 1980. Voluntarism and subjectivism manifest in the party's policy weakened its relations with the working class. The prestige of the party, its credibility, were shaken. This was aggravated further by the constant psychological and moral attacks following the coastal agreements. Despite these painful losses, the organization framework of the party was maintained; the 16 months of acute political struggle toughened the party activists.

The leading role of the PZPR is inseparable from the 35 years of Poland's socialist development. Although errors and distortions could not be avoided, the Polish people under the leadership of the party and communists mastered the situation and established modern large industry which resulted in fundamental changes in living conditions. The heritage is a firm support and the party must make use of the experiences gained from the past.

The immediate task of the party is to lead the country out of social-economic crisis. Consolidation of the party's position and earliest possible reestablishment of unity of action are essential to the achievement of this goal. This is the fundamental question insofar as the socialist evolution of Poland is concerned. The party must provide Marxist-Leninist answers to the basic questions facing society; it must construct a political platform for evolution and reestablish party unity; it must fight with deeds for the accomplishment of the foregoing. Over the past 3 months, the activity of the party organization has increased and become more pronounced; they have taken greater initiative in determining local tasks in socialist evolution. There is ever-growing response to the words of Jarzulski: "Revolutionariness is measured by deed, not words." The party is beginning to be cleansed of elements who cannot or will not meet the new requirements. However, evolution and its rate is made more difficult and slow by numerous factors. To list a few: The performance capability of the Polish economy has fallen to standards below those of 5 or 6 years ago in several areas; in some, it has

fallen by as much as a decade. Western sanctions are inflicting severe damage. The rate of evolution is also held back by chronic shortage of basic materials and parts, underutilization of plant capacities, the wait-and-see attitude which reflects the lack of confidence of the peasantry. Maintenance of tension by internal and external enemy forces compound the problem as does the insistance of the United States on keeping the "Polish Question" on the agenda.

The first steps towards socialist evolution are taking place amid great struggle and intense class conflict. The internal class enemy has not laid down its arms yet; it has not surrendered in the war for achieving its goals. It is being encouraged by the extremists of international imperialism as well. Forces interested in increasing tension are bolstering and stimulating resistance to socialist consolidation by expanding economic sanctions, propaganda and attempts at international isolation of Poland.

The support of the Soviet Union and the socialist community are essential external factors for the normalization of the Polish situation. The Polish communists can lean on the support of the socialist community, on its multilateral political, economic and moral support. To the extent of its strength and opportunities, our country and the MSZMP have undertaken to participate in this. The mutual goals of building socialism, the traditional friendly cooperation between our two countries provide a favorable opportunity for expanding our international relations. Poland has set off on the path of socialist evolution, but it is the beginning of a long road full of struggle. We trust that, under the leadership of an organizationally and ideologically unified party and in concert with a unified front, the Polish communists and the patriotic forces will be able to use the opportunity for development and provide new proof of the viability of socialism. The communique issued by the Polish party and government delegation at the time of its visit to Moscow expressed this attitude: "Poland has been, is and will remain a socialist country. It is a nation whose economic and political system is based on social ownership of the means of production, the power of the working class and the working people, the leading role of the PZPR."

CSO: 2500/223

ROLE OF MILITARY SCIENCE DISCUSSED

Budapest MAGYAR TUDOMANY in Hungarian No 1, 1982 pp 31-35

[Article by Maj Gen Laszlo Damo, deputy chief of staff: "The Role of Military Science"]

[Text] Our party's 12th Congress stated "we shall strengthen our national defense and modernize our army in harmony with the interests of our country and in accordance with the requirements of the international situation. In addition to carrying out its basic task, the army should continue to take part in economic building work, continue its successful activity in the education of young people perforaing military service, and in their political, general and skill training. It is a task of the greatest importance that we strengthen our alliance, friendship and cooperation with the Soviet Union, the countries of the socialist community, and contribute to improving the defensive strength of the Warsaw Pact."

We could hardly do justice to these manifold tasks without the understanding use of scientific results and progressive research work. By science we mean, in this case, not only one scientific branch. Military science is unable by itself to provide the necessary scientific bases and the foresight necessary in military problems. We must rely on a whole series of sciences. Therefore, we must take into account all those scientific branches which deal in some respect with warfare and the army. First of all, we include here the component parts of Marxism-Leninism: dialectic and historical materialism, scientific socialism and political economics, which together express the teachings of Marxism-Leninism related to warfare and the army. We must also take into account those branches of social, natural, medical and technical sciences which with their subject matter are already present in military science or which must appear.

The above-mentioned branches of science touch on many problems of military affairs, but not on armed conflict, which is the main specific of war. The study of this complicated social phenomenon is the task of military science.

War is an extension of policy by other (forceful) means. It derives from this maxim that the study of war, of problems of armed conflict, its principles and methods is a science with a class base. In our era, therefore, there are basically two kinds of military science: socialist and bourgeois.

Socialist military science serves to defend the achievements and peace of socialism, and bourgeois military science serves the aggressive goals of imperialism.

In the Warsaw Pact countries, the world outlook and methodological system of knowledge related to warfare and the army is Marxism-Leninism. Therefore, we must regard the military science of these countries not simply as socialist but as Marxist-Leninist. The main content of this science is represented by Soviet military science, but it also is an alloy of experiences reflecting the national characteristics of the individual socialist countries.

Marxist-Leninist military science seeks to give answers to three large, basic groups of questions. These are the following:

--what kinds of war can erupt in our times, and what kinds of laws may be realized in them;

--how should we prepare the armed forces and the country for the defense of socialism in order to ward off a possible act of aggression; and

--how can war as a whole and military activities themselves be successfully waged.

The theory of military science which forms the seed of Marxist-Leninist military science is called on to answer the last of the three questions.

The theory of military science embraces four large areas:

--theory of strategy,

--theory of military operations,

--theory of tactics, and

--theory of military leadership.

The theory of strategy must be emphasized above the other areas of military science because the principles worked out in this field serve as a guide for the general theory of military science, the theory of building up armed forces, the theory of military training and education, the theory of war economy and military management, which are called on to shed light on various specialized areas. (The history of military science and the history of armed forces provide theoretical and procedural bases for a historical approach to military science research.)

Particularly in recent years, discipline in questions related to the theory of military science has increased significantly. The causes may be summarized as follows:

1. After World War II, particularly beginning in the 1950's, a profound qualitative change occurred in military affairs. These changes were basically

expressed in the fact that most of the armies in the world were equipped with missiles and atomic weapons and other modern weapons. The atomic weapon set off a revolution in military affairs, the nature of military activity, the organization of armies, and the method of training and education also changed.

2. In many areas of life, but particularly in the ideological, the struggle between imperialism and socialism became more intense. To destabilize the military equilibrium and to acquire world superiority, the most reactionary imperialist circles made anticommunism and anti-Sovietism the basis of their policy. They would like to strengthen their positions in all areas of the world.

Under such circumstances, of course, we must do everything we can in order that the whole socialist camp, particularly the member states of the Warsaw Pact, have the defense preparedness which can repel any ideological diversion and any kind of attempt by the aggressors in a powerful way, and if necessary by arms. This circumstance also guides the research work of Marxist-Leninist military science.

The theory of strategy interprets modern war as follows: if it is erupted by the imperialists, it will result in the decisive conflict of the two opposing world systems. Coalition armed forces numbering millions would take part in such a war. The conflict would be on an immense scale into which the socialist states would cast all their military, economic and moral-political strength in order to disperse and annihilate the aggressor for once and all.

In such a war, strategic operations, in any theater whatsoever, can be carried out to their conclusion only with the combined activity of all types of military forces. Therefore, it is of decisive importance to approach the building up and preparation of the armed forces, the training and education of personnel from a unified viewpoint, from the viewpoint of an alliance system. The theory of strategy attributes great importance to the combat preparedness of the armed forces and to combat capability.

The central problems of the theory of military operations is to work out problems regarding both combined and independently conducted operations and activities by the various types of armed forces. Success in battle depends more and more on the coordination of firepower, striking power and maneuverability.

The theory of military leadership--proceeding from the fact that in recent years there has been a radical change in troop combat personnel, their equipment, fire and striking power, maneuverability, the firing and guidance systems based on high-level electronics--indicates that under such circumstances only those leaders are capable of leading effectively who have a high level of ideological, up-to-date knowledge, continuously become familiar with the new results of military science, know the enemy well and the battle procedures of their troops, and are able to use military techniques, weapons, and knowledge in actual practice.

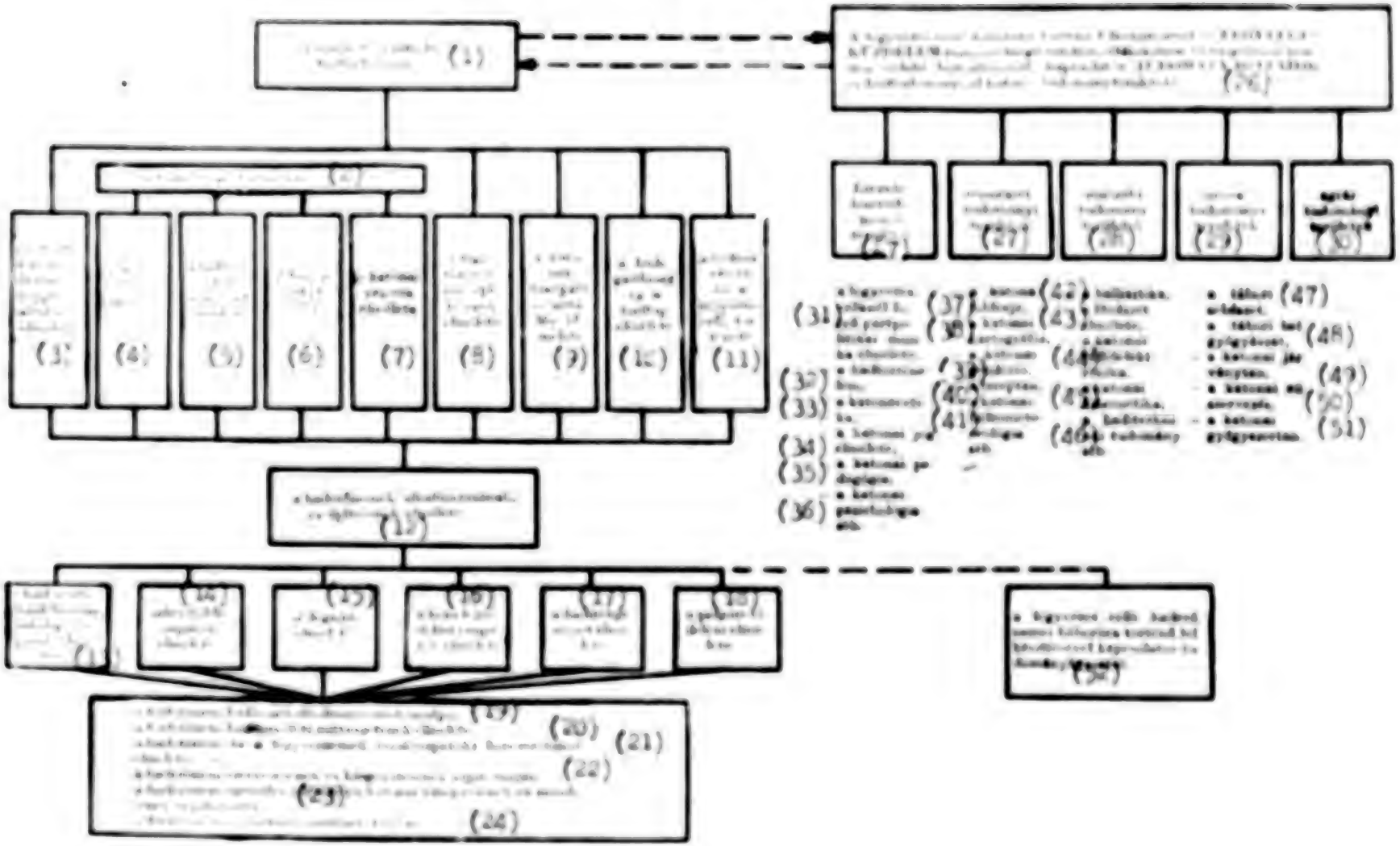
The various general staff organizations, as apparatuses of leadership, have a large role. Systems theory, computer technology, and the application of the most modern means of automation, telecommunications and data transmitting means are being given a greater and greater role in the work of the staffs.

An indispensable condition of leadership processes is multichannel, coded communications built on the combined use of all instruments and types.

The accompanying outline portrays the structure of Marxist-Leninist military science and adjoining areas.

Given the conditions of a tense class war between the socialist and capitalist world system, the imperialists are seeking to sharpen tensions and to acquire a military technological superiority as regards the forces of peace and social progress. In order that the weapons and equipment of the armies of the socialist community not lag behind the technology of the armies of the imperial states, we make maximum use of the most recent achievements of the civil sciences (natural, technical and social sciences) to increase the strength of the Warsaw Pact. In our army we see the task of the military scientists and the managers of research in mutually strengthening our relations with the domestic scientific organs, and in assuring the full use of the most recent discoveries (principles, methods, techniques) in developing military theory and practice. With all this, the theory of military science will be enriched, the defense organization of our military community will be strengthened, and our army will also become more suitable for fulfilling at a higher level the mission conceived at the 12th Congress.

The Structure of Marxist-Leninist Military Science
and the Adjoining Scientific Areas



[Key on following page]

Key:

1. Marxist-Leninist military science
2. theory of military science
3. general foundations of military science (general theory)
4. theory of strategy
5. theory of military operations
6. theory of tactics
7. theory of military leadership
8. theory of building up armed forces
9. theory of military training and education
10. theory of war economy and war provisions
11. history of military science and the armed forces
12. theory of using and building the types of armed forces
13. theory of strategic missile troops
14. theory of land forces
15. theory of the air force
16. theory of air defense troops
17. theory of naval warfare
18. theory of civilian defense
19. method of strategically using armed force types
20. theory of military operations of an armed force type
21. tactical theory of armed force types and weapons types
22. characteristics of the organization and supplementation of armed force types
23. characteristics of military training and education of personnel in armed force types
24. history of armed force types and of military science
25. scientific branches related to preparing armed forces for war and the manysided assurance of creating, preparing and achieving the means of armed conflict (scientific areas adjoining military science)
26. social science areas
27. natural science areas
28. technical science areas
29. medical science areas
30. agroscience areas
31. theory of party political work in armed forces
32. military history
33. military ethics
34. theory of military law
35. military pedagogy
36. military psychology, etc.
37. military geography
38. military cartography
39. military geodesy
40. topography
41. military hydrometerology, etc.
42. ballistics
43. theory of gunner
44. military radioelectronics
45. military cybernetics
46. military technological science, etc.
47. military surgery
48. camp internal pathology
49. military epidemiology
50. military health service organization
51. military pharmacology
52. scientific branches related to the preparation for war by various armed force types

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[illegible] 2(MD)/197

MILITARY TRAINING UNDER MARTIAL LAW CONDITIONS DISCUSSED

Warsaw ŻOŁNIERZ WOLNOŚCI in Polish 3 Feb 82 p 3

[Article by Franciszek Goral: Combat Training Under Martial Law]

[Text] The specific nature of the activity and training of troops during martial law poses considerable problems to be solved by the commanding officers, and the tasks performed are more difficult than those under normal conditions. No wonder that the majority of the commanding officers, having in mind their responsibility during this demanding period, is urging their superiors to make timely decisions concerning training and to transmit those to the responsible officers in the specified time, together with the organizational planning instructions.

Considering the principles of rational action, before the implementation of each task the specific training aims have to be clearly defined, aims which are attainable under given conditions. Movement of a subunit from one area to another, along a road or a street, along a clearing in the woods and in the wilderness gives drivers a chance to master their driving skills, and the commanding officers can gain the ability to work with the communication equipment and to lead a convoy. And for the remaining personnel it is an excellent lesson on conducting observations.

Long distance relocation of troops under difficult winter conditions provides much data on the endurance of the personnel and equipment, on how to organize rest breaks and provide technical assistance, on the possibility of maintaining marching speed stipulated by the tactical standards and performed in a homogeneous convoy, composed of different kinds of vehicles. It is a rich testing range for technicians and tacticians, as well as for quartermasters and health services.

The quartering of troops in the concentration areas should release much inventiveness on the part of the commanding officers of all levels and the staff officers in organizing the preparing the 24 hour rest, while strictly observing security measures concerning the personnel and the equipment. The chief areas of activity are troop camouflaging, building of trenches and air attack shelters, organizing duty shifts and chemical and fire

[illegible], conducting repairs under field conditions, and organizing [illegible] squads and crews not engaged in combat work and [illegible]. The general principles of troop activity in the concentration [illegible] are defined by the combat regulations, but each new situation creates [illegible] more possibilities of use of different ways of performing these [illegible].

[illegible] soldier, squad, crew or service detail should know the principles of [illegible] at his assigned combat position. If this has not been taught [illegible], it should be done before a specific task is assigned. This implies [illegible] much broader training of soldiers; training which goes far beyond the [illegible] limits, but one that is necessary for efficient implementation [illegible] specific tasks. The staffs should master the ability to plan such [illegible] activities. Consideration should be given to the fact that hitherto an [illegible] soldier, even more so an artillery soldier or a tank soldier, has [illegible] encountered such actions as blockades, protection of installations, [illegible] infiltration penetration, raids, and assaults.

[illegible] outside of the garrison should not hinder organization of infantry, [illegible] artillery training, in spite of the fact that it would be often [illegible] to forego modern training devices the fire exercise fields are [illegible] with. In this case they have to be replaced by simple training [illegible] and devices which were used successfully several decades ago. The [illegible] principles of fire and the knowledge of weapons would not be [illegible] affected by this, since these classes can be conducted with [illegible] weapons. The same applies to the knowledge of ammunition, use of [illegible] and training in target observing and indicating. If the conditions [illegible] conducting fire exercises exists in the nearby area, they should not [illegible].

[illegible] specialized training, such as chemical, engineering, communication, air [illegible], medical and topography, is so tightly integrated with the activity [illegible] troops in the concentration areas and with their protection and defense [illegible] in each situation appropriate training topics can be selected. To give [illegible] example: building of antiaircraft slit trenches, selecting of a position [illegible] activity following an aerial alert signal or weapons of mass destruction [illegible] signal, identification of terrain objects, helping the wounded, etc. [illegible] problems, treated as training aims, are executed with the utilization [illegible] standard equipment and his personal weapons.

[illegible] as the specialized topics are concerned, a selection of themes from [illegible] training programs still has to be made which is useful in any conditions, [illegible] during training in the garrison, and under field conditions. However, [illegible] the particular training topics can not be random, i.e., unrelated [illegible] existing conditions and possibilities. If, therefore, mine-sweeping [illegible] is lacking, a crossing utilizing such equipment can not be planned, [illegible] the fire exercise should be changed to a manually performed one. It is [illegible] that the specialized topics listed in the training programs should [illegible] presented separately, and not as parts of the training packages. This [illegible] it easier to link such classes with other topics. This comes from [illegible] training with smaller groups and in limited time.

clearer is the situation in the area of technical training. Good training conditions are a consequence of the need to work with the equipment so as to have it fully combat ready. It is a pity, though, that there is a deeper commitment of the commanding officers in organizing of training after duty hours. The equipment crews are lacking even the simplest training elements. The need to perform a given work is not being explained, the danger of various types of negligence are not being foreseen.

Units undergoing range training and those remaining in their garrisons should limit the amount of training with combat equipment in favor of training without such equipment. An urgent need also exists to organize training of the cadre of front subunits within the framework of group exercises in the field and in the classroom, and as a form of instructional-methodological exercises. In training of draftees more emphasis should be placed on improving the qualifications of specialists and gaining the knowledge of other specialties. Inactivity of many commanding officers in this respect results from their custom of waiting for the decisions of their superiors, which arrive at the subunits very late and the contents of which differ. Three commanding officers of three different command levels who were spot-checked quoted three possible ways of interpretation of the same guidelines for a quite specific problem. One can draw widely varied conclusions from this.

While organizing training one has to control the emotions caused by martial law. The execution of tasks that are not always in the nature of preparations for continuing the classic forms of combat, cannot adversely influence the organizational structure of training, or justify its absence by the [alleged] impossibility of conducting it. It is true that the process of training under such conditions has a specific character, the most striking feature of which is that it is conducted under conditions requiring constant combat readiness of the troops and cautious action. On the part of soldiers it demands considerable straining of all their mental, moral and physical resources, causing a substantial psychological burden for them.

Elimination of various kinds of psychological stresses is the basic duty of the cadre. It is also expected to possess a high level of discipline. A subunit commanding officer cannot passively wait for action guidelines. His duty is, mainly in the case of a squad, a crew, and, partially, a platoon commanding officer, to remain at all times among his soldiers, to utilize each free moment to ensure them good quality recreation, or to improve their general military knowledge and practical abilities. It is necessary to organize a march along a clearing in the woods with singing of songs, play with snow balls, etc. Among the activities which develop the spirit and improve combat preparedness can be listed: solving fire assignments, training in weapons assembling and disassembling, solving of simple tactical tasks on the sandbox, chess and checkers games, conducting of talks explaining the reason for the particular action.

The supervisors cannot delay giving the directives and create a situation where the soldier does not know at which moment he will be used to perform this or that task. Maintaining high combat readiness is also possible when

[illegible] units are engaged in program training in the vicinity, it is even [illegible]rably enhanced by maintaining a systematic action rate.

Factors strongly influencing soldiers' minds are living conditions, quality of uniforms and sufficient supplies of articles of personal hygiene. Most often they make it difficult to observe the daily schedule and require a multi-shift use of sanitary installations or soldiers' mess halls. The solution of thus created conflicts requires the participation of the sub-unit commanding officers and duty details as well as the unit quartermaster service. The details are responsible for the strict enforcement of the ad hoc regulations. The hosts should schedule their day in such a way that while performing most important tasks would be served first.

I have covered some items from the life of subunits under martial law. I am aware that the problems differ considerably in the particular units, and that makes it hard to make any generalizations and to answer all the cadre's and soldiers' questions. I even concede a possibility that I could be accused of over-idealized solutions. My aim was, however, to alert the cadre to the problem of searching for the best possible solution of the issues of soldiers' life, activity and training under martial law.

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[illegible]

SCIENTIFIC COOPERATION BETWEEN MILITARY, CIVILIAN SECTORS NOTED

Warsaw ŻOŁNIERZ WOLNOŚCI in Polish 2 Feb 82 pp 1, 5

[Article by Second Lt Tadeusz Pieklo]

[Text] [Our Information] For the past few years, a closer and closer cooperation has been developing between the military and the scientific sections of the Polish Academy of Sciences [PAN]. This cooperation helps bring about solutions to many basic research problems and serves to implement the practical application of results.

The comprehensive research implemented by the institutes and scientific-research centers of PAN and MON [Ministry of National Defense] is valuable and mutually beneficial. The research level and output of civilian and military specialists in the various fields is improving; new solutions, professional reports and research methods have come about. Numerous concrete achievements in the medical and biological research fields enrich practice and are finding practical applications in medical care, feeding groups of people and the satisfaction of the other needs of the military and society.

Various questions and operational problems experienced by military researchers from academies and institutes, as well as from the scientific-research centers of the WP [Polish Army] Chief Quartermaster Service who were participating in the work of the PAN councils and committees were discussed during the Warsaw meeting. The deliberations were chaired by the WP Chief Quartermaster, Deputy minister of MON, Lt Gen Mieczyslaw Obiedzinski. Military professors and docents appointed in recent years to PAN collegial bodies participated as did the plenipotentiary of the National Defense Committee, PAN military commissioner, Brigadier Gen Rudolf Dzipanow.

During the meeting, there was an updating of the subject of the planned cooperation between the Quartermaster institutes and PAN for the current year and those up to 1985. The need was taken into account for the broad participation of researchers in the development of the rear area of the rear services as well as a greater involvement of the Quartermaster Service and PAN research

[illegible] institutes in the resolution of current, urgent problems of the national economy. Working together toward the resolution of many governmental, local and ministerial research problems, military and civilian researchers can [illegible] for the military and the country, especially in such fields as health, [illegible], construction, transportation and environmental protection.

The head of the Research and Development team of the WP Chief Quartermaster Service, Col Prof Jozef Kubica presented an evaluation of the achievements of the cooperation between military and civilian researchers in 1980-1981 and outlined prospects and directions for the development of cooperation in the current year and during the coming period.

Among the other discussants, Col Prof Sylwester Czaplicki, Col Prof Wladyslaw [illegible]owski, Col Prof Stanislaw Zdzienicki and Col Docent Czeslaw Kierebinski evaluated the participation of military researchers from the Quartermaster Service in the work of PAN collegial organs. They likewise gave careful consideration to what is to be done and how to ensure that this enormous research potential might best serve the good of the military and the country and be protected against collapse. They concentrated upon resolving the most pressing, urgent research problems.

That Polish science wants to protect its high position and guard against stagnation in this difficult period was affirmed at the next session, which was held in the WP Chief Quartermaster Service. The scientific secretaries of PAN sections as well as eminent scientists from the agricultural institutes and academies participated.

During this period of crisis, a high degree of activity, civil consciousness, work and its results will be the test of our scientific cadre. The cooperation of military researchers democratically appointed to PAN as partners with the community of civilian researchers will favor not only the unity of effort but also the economical, rational and effective use of the more modest means set aside for the development of science. Under martial law conditions researchers will do their utmost to restore the strained lines of cooperation, reestablish areas of common undertaking and precisely determine goals that favor the stabilization and rebuilding of that which was partially destroyed by the recently developed social erosion.

Representatives of PAN sections cooperating with the Chief Quartermaster Service, including the medical, technical, biological, agricultural, forestry research, civil and mining research sections evaluated the state of research of interest to them, ones conducted during the past year. Scientific participants from PAN, including Prof Stanislaw Mossakowski, Prof Adam Urbanek, Prof Franciszek [illegible]wicz, Docent Dr Habilitatus Zenon Szkoda and Docemt Dr Habilitatus Michal [illegible]owski highly praised the work of military researchers and research centers working together to resolve many problems, talked about deficiencies and conditions of the research conducted and postulated increased access to specialized information and journals, for, as was stressed, a well-prepared cadre is of the greatest value for Polish science, and none of its potential must be lost in order that it might be activated and of service today, for the future.

... Col Eduard Wanivenhaus from WAM [Military Medical Academy] CKP [Center for ... Advanced Practice] presented interesting information about the practical ... and application of certain mathematical methods and computerized information ... and military medical care, which in the case of the military enabled ... more than 30 percent additional personnel. Work on a computerized ... to aid in the diagnosis of liver ailments is nearing completion. Thanks ... with PAN, resulting in access to professional reports, laboratory ... and research results, the level of habilitatus dissertations and doctoral ... of military doctors specializing at WAM CKP is rising.

A good deal of attention was also devoted to questions of agriculture and the ... economy, biocybernetics, environmental protection and human ecology, as well as to anthropometric problems, which are closely connected with the service activity of the Quartermaster Service.

Summarizing the meeting, the WP Chief Quartermaster asserted that it had played an important role, thanks to the review made of research issues, which affects the contents of plans and intentions for mutual cooperation. The general emphasized the urgent need to formulate a constructive and active program of cooperation, which would resolve, in the best possible manner, the burning ... of domestic life as we emerge from the crisis.

9516
CSO: 2600/512

CIVIL DEFENSE PREPARATIONS OF NEWLY ESTABLISHED MINISTRY DISCUSSED

Warsaw PRZEGLAD OBRONY CYWILNEJ in Polish No 3, Mar 82, pp 12, 14, 15

[Interview with Jerzy Nodzenski, representative of the Ministry of Metallurgy and Machine Industry, by Grazyna Dembowska, PRZEGLAD OBRONY CYWILNEJ (POC); date and place not given]

[Text] Last year three ministries were merged: Metallurgy, Heavy and Agricultural Machine Industry, and Machine Engineering Industry. As a result of this operation, the largest industrial ministry in the country was formed: Metallurgy and Machine Industry. We have asked Jerzy Nodzenski to give us information on the functioning of Civil Defense in the new ministry.

[Question] POC: What effect did the merger of three separate ministries have on civil defense preparations?

[Answer] Jerzy Nodzenski: The merger of the ministries: Metallurgy, Heavy and Agricultural Machine Industry, and Machine Engineering Industry, into an industrial giant named the Ministry of Metallurgy and Machine Industry, brings enormous advantages, but also some specific minuses.

An indisputable advantage is the removal of barriers in the path of the production of many products. What formerly required cooperation among three ministries, can now be taken care of in the individual departments of the same ministry. The drawback that comes with every merger, is the optimism in the reduction of the personnel of the combined organizational cells. I said "combined", but I should have used the term "amputated", for I have never come across a sutation in which a reduction in the number of decisionmaking organs left the executive cells intact. It is generally believed that the cause of many mistakes and distortions is an overly expanded administration. In my opinion the administration does not have the additional training and does not have the additional investment, therefore it cannot, in the required amount of time, fulfill the tasks assigned to it. What connection does this have with the problems relating to Civil Defense? It has a direct and a very

tion. Civil defense activities are, after all, a complex of organization- and administrative work. In the workplaces, both functions of civil defense are performed simultaneously, the organizational and the training, by preparing the workforces to act in the event of catastrophes, accidents, natural disasters, or enemy attack. Comradeship, courage, community of interests, integration of the individual with the workplace, are only some of the characteristics that can be shaped by training, drills, and above all, by life-saving exercises. Drills, combined with performance of useful work in behalf of the workplaces, housing communities, etc., result in millions of zlotys saved, or greatly hasten the implementation of specific plans. Insofar as the administrative function is concerned, in the workplace it consists of preparing a number of reports, analyses, specifications, and balances, which help the higher organizational levels in making decisions on the division of funds, allotment of equipment, etc.

The higher up in the hierarchy, the more the burden of authority for these functions shifts from the organizational-training sphere to the administrative sphere, with broadly expanded supervision and control tasks. That is why, depending on the reliability of the reports, requirements, etc., prepared in the workplace, and the effectiveness of the administrations at the higher levels in the treatment of this material, in order not to lose the sense of the total amounts of the requirements submitted, new results may be obtained or the opportunity to obtain them, or even to maintain the status quo, may be lost. An example of this may be the arithmetic mean, which obliterates the difference between the zero state and the full-complement state.

[Question] How, then, does the hierarchical administration of the Ministry of Metallurgy and Heavy Machinery Industry fulfill this function?

[Answer] The elimination of associations (which was unarguably required by the radical model of economic reform), i.e., the intermediate level between the enterprises and the headquarters of the ministry, shifts the whole load of the administrative functions of this level to the Civil Defense cell in the ministry, which is totally unprepared for this if only from the standpoint of size of the personnel staff and the technical ability to analyze the reports coming in. I want to make it clear that in speaking of reporting, I am referring to all of the activities that form the basis for determining the requirements and the division of means for the purchase of Civil Defense equipment, protective and special construction, training, etc.

Let us, therefore, recall the situation that existed when the associations were functioning:

- Civil Defense in the enterprises functions without change,
- Civil Defense in the associations is eliminated,
- Civil Defense in the ministries is not in a position to assume the tasks implemented in the past by Civil Defense in the associations.

Let us see where we were when martial law was imposed. On 30 December 1981, the Council of Ministers resolution on the functioning of the economy during a period

of martial law, appeared. It provided for the appointment of ministerial plenipotentiaries for matters relating to the management of separate production systems (branch groups). A place for Civil Defense was found in the offices of these plenipotentiaries. Considering, however, that there are fewer plenipotentiaries than there had been associations, and that instead of association Civil Defense cells we have in the offices of the plenipotentiaries only a few people who can deal with Civil Defense problems, and also that the life of the offices is basically linked to the implementation of the operational programs and the state of martial law--there is little reason for optimism.

[Question] If the future looks like this, what next?

[Answer] Several solutions are possible, but the most realistic appears to be the structural-decisionmaking variant. According to this variant, revisions would have to be made in the Civil Defense structure so as to transfer the right to decide specific matters from some organs to others. It is, therefore, proposed, that all of the reporting which furnishes the basis for decisionmaking in the matter of the distribution of funds for purchase of equipment, training and broadly understood protective and special construction, as well as its modernization, be concentrated on the voivodship level, in the voivodship civil defense inspectorates. This would permit full concentration of Civil Defense forces and means in the area of each voivodship in a much higher degree than had been done by the "ex-territorial" ministries, the associations, and now the plenipotentiaries, in relation to subordinate or supervised enterprises and other organizational units. The WIOC [Provincial Civil Defense Inspectorate], which has the funds for the purchase of equipment, construction, etc., that had previously been dispersed among the individual plants in the various ministries, could, in its own area, taking into account such factors as the particular threat to the cities, the possibility of the spreading of toxic substances in case of an accident, catastrophe, etc., build shelters, special installations, and also equip the workforces with personal protection means in a way that is more rational than now being done by the ministries.

The specialized WIOC cadre can reach every workplace in its area more quickly than any ministry or plenipotentiary. Many more advantages could be enumerated, but the plan, I believe, needs no defense or advertising. What is needed, however, is a quick revision of the regulations in effect to authorize WIOC to make such decisions and to define the remaining tasks for the ministries.

[Question] What can be said about the present role of the manager of the workplace, when he stopped being the Civil Defense boss?

[Answer] Personally, I see this as a prestige position of little importance. After all, the manager (director) by reason of the functions he performs is responsible for the production and civil defense activities of his plant.

[Question] As we know, the enterprises are gaining a far-reaching independence. How will this affect their preparations in the field of Civil Defense?

[Answer] It will require that the commanders of the Civil Defense units organize the organizational, training, propaganda and other work in such a way that it does

with the tasks accomplished by the workforce, but assists in their performance. [illegible] I have not seen any attempts to deny the need for the existence of [illegible] training, despite the frequent criticism that the forms of training are not very interesting. But this is a separate problem. There will be an appropriate place for Civil Defense in ZxS [self-government, self-dependence, self-financing].

[Question] How well prepared are the Civil Defense forces in the ministry?

[Answer] I can say with complete authority that the Civil Defense forces organized in the individual plants of the Ministry of Metallurgy and Machine Industry are almost 100 percent trained in basic and special fields. I say "almost", because the fluctuation of the employees keeps removing the trained people from our ranks, and thus the training process is constant.

Outfitting of Civil Defense with basic equipment is approaching the 80 percent limit, which means, unfortunately, that some workforces have been 100 percent equipped, but others to a somewhat lesser degree. Our system of informing the majority of the workforces of plants that employ well-known technological process of impending danger is functioning rather well. Our Civil Defense plans for workplaces, plans for evacuating the workforces and their families, are good. Not in all workplaces yet, of course, but we have the model and its dissemination is only a matter of a few weeks.

[Question] The machines and equipment from the national economy used in Civil Defense are often the creation of the Ministry of Metallurgy and Machine Industry. What is your participation in stimulating the production of dual-task equipment, [illegible] available also to Civil Defense work?

[Answer] Our ministry has a new name and a new organization table, but it did not [illegible] like a volcano as a result of eruption. This industry existed and had specific traditions. We have taken them over and are continuing them. Perhaps we are [illegible] limiting too little ourselves, but we are willingly undertaking every initiative that we can.

[Question] What do you and all the employees of the ministry involved in Civil Defense activities wish?

[Answer] More frequent contact with PRZEGLAD OBRONY CYWILNEJ. The satisfaction of the employees that they have fulfilled their Civil Defense tasks well. That the goals [illegible] contained in this interview be realized, and above all, peace and [illegible]

[illegible]
[illegible]

RESULTS OF RESEARCH ON SOCIAL VIEWS OF YOUTH DISCUSSED

Warsaw TRYBUNA LUDU in Polish 6-7 Mar 82 p 3

[Article by Dr Zenon Kawecki, scientific worker of FPML [Basic Problems of Marxism-Leninism] of the PZPR Central Committee: "Social Views of Youth--To Bring Them Closer to Everyday Life"]

[Text] In the Institute of Basic Problems of Marxism-Leninism [IFPML2 of the PZPR Central Committee, studies were conducted between 1977-1980 and social views on a wide representation of youth which encompassed 12 thousand or so secondary school students about the world and their social views. The picture drawn from the result of these studies can provide educators and youth organization activists with a good number of reflections.

What Do They Value and What Do They Criticize?

For a majority of the students researched, socialism signifies, above all, such values as freedom, equality, democracy and social justice. However, their understanding is, as a rule, in static, ahistoric categories without the awareness that these values can be fully implemented only over a longer developmental period.

Many of the students tested are searching for a specific compromise between socialism and capitalism which would, in their opinion create chances for more effective development of the country. In addition, they feel that socialism encompasses better social ideals while capitalism [is better] because of the effectiveness of economic solutions. This attitude of ideological compromise, being a fundamental trait of the youth tested, differentiates it from the, so-called, Columbian generation or the ZMP [Polish Youth Union] generation which were more categorical and decided in their political views and attitudes. They were more convinced as to what ought to be done to solve social problems, perhaps because they became involved sooner in the active struggle and work for social reconstruction.

From our studies, an undisputed conclusions is evident that a decided majority of the students (three-fourths of the researched collective body) favor socialism and perceive its superiority over capitalism. They pay particular

attention to, above all, such values of socialism as the elimination of exploitation, the country's advancement, raising the living standard of its citizens, chances for growth and [eliminating] the barriers to talented and hard-working people. Also, in reconstructing a model of a "good social system," on the basis of the opinions presented by young people, it may be said that they favor such traits of socialism as: social justice, democracy, concern for the human being, equality in starting out in life, the observance of civil laws, the guaranteeing jobs for everyone, access to education and cultural goods--in other words, that which constitutes the essence of socialism.

A positive evaluation of socialism as a social system does not mean, however, that young people relate to the facts of reality uncritically. The comparison of ideals with their implementation, in theory and practice, raises the most critical voices.

It should be stressed that the majority of students assume a critical attitude towards the country's realities from the point of view of socialist ideology. They expect rapid changes in the direction of egalitarianism, justice and democracy and, especially, improvement in the material well-being of the country's citizens. They would like to quickly overcome the classification into the poor and the wealthy and to eliminate favoritism of certain groups or individuals. They are concerned that the principles, which had been proclaimed for a long time in socialism, have not yet been fully implemented.

However, one-fifth of the students tested, criticized the reality of things from the standpoint of bourgeois ideology. In connection with this, they are demanding a kind of "upgrading" of socialism with certain capitalist solutions which would, in their opinion, raise the level of the national economy, create incentives for greater work productivity, improve market supply and which would also improve the mechanisms of democracy.

The socio-political attitudes of youth researched differ depending on their social background and place of residence as well as on the degree of professed religiousness. These dependencies may be characterized as follows:

A positive attitude towards socialism, expressed in the evaluation of the country's realities is presented more often by students from peasant backgrounds and those living in small towns. The most critical attitude typifies youth from educated [intellectual] families, particularly those [young people] who attend schools in large cities. These young people voice particularly sharp criticism in regard to all social inequality and demand the expansion of the range of civil rights and democracy.

This phenomenon can be substantiated by at least two reasons. In the first place, in an urban environment, existing social inequalities, privileges and excesses of protectionism are more visible. Secondly, youth from educated families and large cities demonstrates a greater interest, in relation to their peers, in socio-political issues. They are also typified by greater demands towards social reality. However, the increased influence of foreign ideologies on the awareness of these young people cannot be excluded.

[illegible] Evaluations and the Economic Situation

[illegible] already mentioned, the social views of youth, which are in strict [illegible] with Church doctrine, differ depending on religious attitudes. [illegible], for example, students who declared themselves to be "believers" or "[illegible] religious," approved of the view, much more frequently, that "to be a good Pole, one must be a Catholic"; they also supported the view, less frequently, that the good of Poland is inseparably bound to socialism. In connection with this, it may be presumed that decidedly religious attitudes [illegible] with a certain kind of social conservatism while non-religious attitudes are more often linked with a positive evaluation of socialist changes [illegible] with socially progressive views. However, we cannot speak here of some sort of [illegible] dependencies but only state the fact that there exists a co-[illegible] of specific views.

[illegible] is no doubt that an increase of critical attitudes and evaluations is [illegible] to, above all, the development of the economic and political situation in the country during the second-half of the 1970's. Deepening economic problems and increasing social discontent with the handling of power by the authorities had a negative bearing on the assessment of occurring changes in Poland and also on the appraisal of socialism as a social system.

[illegible] to this one more detail which differentiates the attitudes of youth. From among those tested, boys as well as youth not belonging to organizations hold a more critical view of socialism and the reality of the country than do girls or members of youth organizations. This may be the result of the lower interest on the part of girls in community life as well as [illegible] knowledge about it and also, most probably, their greater optimism [illegible] life. In turn, youth belonging to organizations, especially its [illegible] section, demonstrates greater ideological commitment. It is characteristic, however, that socio-political attitudes of young people are not significantly differentiated according to their parents' party affiliation.

[illegible] of Attitudes

[illegible] for critical attitudes of a part of youth should be sought in [illegible].

[illegible] all--in observing negative phenomena in our lives. Perceptiveness [illegible] at the same time, great moral impressionability cause youth to be overly sensitive to all deviations from the generally accepted norms of social co-[illegible]: inequality and injustice; opportunities for excessive or dishonest accumulation of wealth at the cost of others; disproportion in people's standard of living; occurrences of protectionism and corruption. This criticism should be evaluated positively because attitudes of commitment on the part of youth in the struggle against social evils can be built upon it. However, it also happens that young people carry out unqualified generalizations of these negative phenomena without, at the same time, noticing their [illegible].

[illegible] plans—students do not possess the knowledge of conditions current situation in the country and the world. On the basis of many research [illegible] secondary school graduates, it may be presumed that the extent of their political knowledge is poor and one-sided. Thus, for example, the concept of capitalism is most often associated by them with several of the most developed countries of Western Europe. However, they do not notice the [illegible] in underdeveloped capitalist countries and they also do not fully [illegible] crisis phenomena in the West such as unemployment or inflation.

[illegible] source of negative evaluations of many social life phenomena is a [illegible] kind of idealism in comprehending the processes of social development. In considering the problems of building a new system, many secondary school graduates do not take into account historically formed social, economic and political conditions; they also refrain from considering the state of [illegible] awareness. For them, socialism is something ideal and at the same time something that manifests itself without conflict and which simply can not be [illegible]. This idealistic method of comprehending historical processes is the result of gaps in the system of upbringing.

The Effectiveness of Upbringing Work Dependent

[illegible] the matter is that civic training of a young generation is, as a rule, [illegible] and based on theoretically-historical sources, thus, leading to the [illegible] of an ideal social system based on the classical, socialist concept. On the other hand, it explains and interprets inadequately the [illegible] of current life, its numerous conditions and developmental peculiarities. For this reason, reality, above all, should be discussed with youth in the process of upbringing on the basis of basic theoretical-social system principles.

[illegible] ought in school facilitate in the relaying of knowledge which is [illegible] in nature. Nonetheless, this depends almost entirely on the [illegible], their skill and time available to teachers and not on the educational system.

The [illegible] of ideological-upbringing work is also limited by the overly [illegible] method of instruction in schools. The preeminence of organizational [illegible] group social goals of upbringing is evident there (in schools) as is the dominance of formal rules over a direct contact between instructor and student. The treatment of young people not as partners but as recipients of [illegible] information is one of the fundamental sources for a lack of open and [illegible] discussion on socio-political issues. Many secondary school graduates [illegible], for example, the schools related only a part of the truth which [illegible] to accept views from other sources indiscriminately.

[illegible] show that young people frequently do not have sufficient information [illegible] for their independent thinking about reality. Therefore, there [illegible] to be a reason for introducing periodic information in schools on the [illegible] of the current situation in the country and in the world. It would [illegible] that [illegible] knowledge of current events ought to be executed on the basis [illegible] reliable basic information.

It should also be concluded that young people ought to be included in the current of present community life sooner and that they should share the responsibility for the fulfillment of community [social] work.

In addition, more room should be found in the schools for discussions with youth about the current and future developmental problems of Poland and the world, treating this task as equally important in civic upbringing as the mastery of a given subject is in teaching. Youth organizations should find this to be a field with a particular challenge for them.

9511
CSO: 2600/401

AGRICULTURAL ASSISTANCE TO AFRICAN COUNTRIES DISCUSSED

Bucharest VEAC NOU in Romanian No 3, Mar 82 p 5

[Article: "Romanian Specialists in Africa," interview with Adrian Rogojeanu, deputy minister of agriculture and the food industry, by Emil Tilenschi]

[Excerpts] Question: In how many African countries are Romanian specialists currently working in the field of agriculture?

Answer: In about 20. Our agronomists, zootechnicians, water improvement specialists, mechanics and tractor operators can be found in Libya and in Angola, in Mauritania and Nigeria, in Mozambique and in Benin, in Somalia and in Burundi, etc.

Question: And in the Mediterranean, in the tropics and near the Equator, there are different conditions and different problems.

Answer: In general there is only one problem: helping to increase the agricultural and food-producing potential of the countries in which we are present. Our cooperation with these countries takes on multiple forms and, as a result, good results can be achieved, in fields of special interest, in the joint activity which we carry out. The projects include the creation of grain farms, the following of virgin land earmarked for planting, the setting up of irrigation systems on large areas of land, the creation of animal husbandry complexes, the organization of mechanization centers or centers for the exploitation of ocean fishing zones.

Question: In concrete terms, what we call transfer of technology.

Answer: Of course! Our specialists bring to Africa technical designs and solutions, high-productivity hybrids; they provide tractors, machines and equipment for agricultural production and land improvements, as well as fishing ships.

Question: Could you tell us some of the results achieved?

Answer: Our cooperation with African countries, in the agricultural field, dates back to 1973-1974. At present there are four joint companies of an agricultural-zootechnical nature operating in Libya. One of the two companies

[illegible] is concerned with obtaining seeds and planting materials and the other--which is called "Librom"--deals with arrangements for land improvements. Another joint company, with headquarters in Benghazi, deals with poultry farming. And finally, in the joint company for raising and fattening sheep in Misurata, some 300,000 sheep can be raised each year for meat.

There are joint companies with Romanian participation in other African countries. In the Sudan, the "Socoton" joint company is concerned with the cultivation of large areas of grain and the raising of animals. The "Zairom" company in Zaire has a similar mission. In Mauritania, the "SIMAR" joint company engages in fishing activity, in the Atlantic Ocean with 12 trawlers and two refrigerator ships built in Romania. Negotiations are in progress for the creation of other joint companies with African countries, specializing in the field of fishing.

Question: And besides joint companies?

Answer: We have organized many forms of cooperation. One of the most important actions of this type is taking place in Mozambique where our specialists are contributing, with technical means and specialized assistance, to the implementation of a vast program of clearing and utilizing virgin terrains amounting to more than 400,000 hectares of land. In the first phase, up to 1985, some 100,000 hectares will be planted. In the provinces of Cabo Delgado and Niassai grain and animal husbandry farms are being organized, in cooperation with Romania.

In Benin, two agricultural farms are being fully utilized [with Romanian assistance]. In Burundi, Romanian tractors are participating in the reclaiming of 7,000 hectares of land. In Angola, in Lucala, a state enterprise specializing in grain crops was organized. Ultimately, it will have more than 15,000 hectares. In Somalia, technical documentation is being prepared for irrigation projects on 5,000 hectares of land. We are engaged in discussions in regard to cooperation projects in Guinea, Ghana, Nigeria and other countries. All these are useful to those people who are combining their efforts so that the land of the African continent will become even more fertile.

[illegible]: 2700/271

NEW CHIEF EDITOR FOR CLUJ-NAPOCA CULTURAL WEEKLY

[Editorial Report] Cluj-Napoca TRIBUNA in Romanian, 15 April 1982, page 16, a cultural weekly published by the Council of Socialist Culture and Education, lists Vasile Salajan as chief editor of the publication, replacing Dumitru Radu Popescu, who was listed as chief editor in the 8 April issue. The other members of the editorial board remain the same: Victor Felea and Ion Vlad, deputy chief editors, and Augustin Buzura, secretary. On page 2 of the 15 April issue, TRIBUNA reports on the commemoration of the 25th anniversary of the establishment of the newspaper. The participants included: Dumitru Radu Popescu, "chairman of the Writers Union of the Socialist Republic of Romania, deputy chairman of the Council for Socialist Culture and Education" and Vasile Salajan, "chief editor of TRIBUNA."

CSO: 2700/269

WORK OF SOCIAL SUPERVISORY COMMISSIONS DESCRIBED

Belgrade MLADOST in Serbo-Croatian 22 Feb 8? p 5

[Interview with Chairman Bozidar Pavlovic of the Social Supervisory Commission of Serbia's Assembly by Bosko Grbic and Dusan Nedeljkovic]

[Text] The institution of social supervision was established by the constitution 8 years ago. Using as an example the work of one commission, the Social Supervisory Commission of Serbia's assembly, which has dealt with a number of interesting "cases," we attempt to give some idea of experiences and difficulties in establishing this important form of activity as a part of developing self-management and in assuring complete legality within society. We converse with commission chairman Bozidar Pavlovic.

One and a half years ago, the public learned of the "case," already somewhat faded from memory, of the Association of Journalists of Serbia. As a brief reminder: the association had been operating entirely illegally for nearly 7 years. A large number of malversations, abuses and criminal actions was found. In this typical group-of-citizens outfit, easily acquired money was given out in handsful and hatsful, travel expenses were reimbursed for fictitious trips, fat commissions were paid to canvassers, etc. The 40 employees of the association lived on income produced in a strange fashion, to say the least: their publishing activity encompassed anything and everything--from the printing of forms and various advisory handbooks to technical and political literature.

Because of demonstrated abuses, arrogation of public property and unauthorized publishing and marketing activity, the association was forbidden to operate by decree of the Municipal Secretariat for Internal Affairs. An investigation was started on the instigators and their abettors, headed by the general secretary, some of whom have already been convicted.

Public attention was strongly drawn particularly, however, to the imposing list of 473 outside collaborators--authors of journalistic works and canvassers. The Social Auditing Service found that their total fees amounted to more than 15 million dinars.

Management and Legality

The entire "case" became public knowledge thanks to the Social Supervisory Commission of Serbia's Assembly when commission chairman Pavlovic reported the results of the audit to a session where journalists were also present.

This is precisely one of our reasons for speaking with Pavlovic. First we ask him about the function of the institution of social supervision, noting that this is a new constitutional category (1974 Yugoslav Constitution) about which relatively little is known.

"Social supervision is the responsibility of all sociopolitical communities," Pavlovic tells us. "Seen through the work of the commission, there are three basic groups of tasks: a concern with the further development of self-managing relations and the elimination of all the negative factors which interfere with this development; questions of the production and distribution of earnings, and especially deviations in this area; and a struggle for complete legality. Our commission specifically is working on these problems in two ways--independently and by initiating certain issues in the assembly chambers."

As an illustration of the performance of social supervision in the assembly chambers, Pavlovic cites specific problems raised by the commission. In 1978, it initiated a discussion of the problems of the durable and stable supply of the market, and now--in his words--as a society "we hold the problem of supply in our hands, for we intervene quickly and in a better-organized manner in situations when shortages become a political problem."

The commission also initiated discussions in the Assembly about expenses for representation, official travel, and the use of official vehicles. Interestingly, such costs in 1979 actually exceeded overall losses in the economy. Pavlovic says that the Assembly adopted conclusions and undertook measures but that we cannot be satisfied with the results, especially in view of the fact that representation expenses do not correlate with the volume of operations--representation expenses are higher in health care, banks, sociopolitical communities, and culture than in the economy.

Self-managing workers' supervision is an essential part of social supervision:

"Twice we discussed this form of self-management activity and both times determined that the situation was unsatisfactory," Pavlovic notes. "Self-managing workers' supervision is particularly underdeveloped in the self-managing interest communities, where consumption is enormous and where social supervision is most needed. There are misunderstandings about the function of such control and much trouble is caused by the attitude of manager-ial entities.

Independently--Effective

In its independent activity, the Social Supervisory Commission was apparently more effective. Again, specific examples:

"We had serious problems with the use of the Belgrade-Batocina highway," Zoridar Pavlovic recounts. "Malversations, not to say thefts, amounted to

a million old dinars in 1979. The relations between the contractors for these projects and users were completely unregulated. The road was consigned for use over a drink, without any sort of contractual agreement. We succeeded in getting to the bottom of things and now the situation has been remedied."

This example and the next one are evidence for the exceptional importance of properly performed social supervision and the irreplaceability of its institutionalized forms, along with the lack of broader systemic organizational arrangements for these activities.

The commission has also investigated enterprises which originated from well-known group-of-citizens outfits. Pavlovic tells us:

"We made an analysis of the operations of these working organizations and what did we find? We learned that in many cases no business records are kept, that these work organizations may be headed by persons who have been convicted of embezzlement and operate for the most part in conflict with the regulations. In such a situation, the employees' insecurity is noticeable. And despite all of this, these enterprises have been awarded contracts to build major projects, even military installations. The campaign that we initiated in collaboration with the Social Accounting Service, which has increased its supervision, has enabled us to succeed in stamping out the extreme forms of such activity, but we have not put an end to it."

Interesting as well as educational from the stand point of effectiveness is the "case" of the Yugoslav Bureau for Labor Productivity:

"That bureau is a tale unto itself. We investigated the state of affairs in that collective, which was supposedly founded by the Socialist Republic of Serbia. A ruinous situation. They had, for example, not a single economist and yet they were signing contracts and working for our largest businesses and industries. In the end, because of our recommendations, the Yugoslav Bureau for Labor Productivity was abolished, and its employees given new jobs."

When There Is None

These few selected examples certainly prove the usefulness of the institution of social supervision. At the same time, they underscore the necessity for extending this type of supervision to all elements of society. After all, it is a lack of social supervision which is responsible for these and all similar "cases."

"The 'case' of the Association of Journalists of Serbia is particularly characteristic of the absence of social supervision. We cooperated with the prosecuting authorities and the Social Accounting Service and succeeded in establishing a part of the material evidence. Earnings were being collected and distributed on very dubious bases. We initiated proceedings to ban such operations, and this was accomplished. We filed criminal charges, and the investigation is complete in eight instances. We also published a list of outside associates. This is really the commission's jurisdiction under the Constitution; the rest is up to the Secretariat for Internal Affairs, the prosecutor's office, and the court."

Pavlovic continues: "The commission is dissatisfied, however, with the pace with which the whole affair has been investigated. Our aim was to prevent this so-called working organization from operating in this way, to point out how easy money could be earned from honoraria, a widespread practice; to have a preventive effect by publishing a list of associates. Our aim was to acquaint the public and social structures with the participants in this affair so that other social measures would be undertaken."

The commission, therefore, made full use of its authority. Its aims in every case were well chosen, but what is their scope? What has become of these "other social measures?"

"Well, they weren't undertaken at all. You see, that list of associates contained the names of party secretaries, prominent journalists, sociopolitical workers, etc., and their colleagues didn't utter a word about the moral aspect of collaboration with such an association. At the last meeting of the commission, we sent them an appeal to do just this."

The Moral Aspect

What is happening with the "moral aspect," and not only in this case; where is the source of behavior and activity which, evading the law, evade also their own social responsibility?

Pavlovic, a prewar communist, warrior and revolutionary, in the postwar period always occupying responsible social and political offices, is happy to give his personal opinion on this question:

"We are not paying enough attention to morality, to the creation of a moral system, and this is a major issue which has a larger political dimension. We have, for example, instances of rather arrogant behavior by people in managerial positions at all levels, who take advantage of their power and privileges, and even behave in an unseemly way. Our society has not developed responsibility for such types of behavior."

Our collocutor reverts to the past: "The question of morality was fundamental in wartime to the process by which the movement attained massive scale. Our morality at that time was simplicity itself for that era. Those moral norms cannot be fully applicable any longer today, but we have not created new behavioral norms. The numerous privileges at all levels are evidence of that, for example."

We return to the experience gained by the work of the Social Supervisory Commission. One example is the following:

"We came to the conclusion that a smaller part of the problems which we encounter are of a criminal nature, while by far the larger part involves a question of morals."

Bribery and corruption, those great social evils, are somewhere "in between" the criminal and moral, as if they floated in some space that cannot be

controlled. Bribery and corruption, even when we discount the exaggerations of marketplace chatter, are a part--so to speak--of our daily lives. To judge by social penalties against this social evil (only 23 criminal denunciations were filed in the last 2 years in Serbia), they are practically nonexistent. What does the chairman of the Social Supervisory Commission have to say about this?

"It is true that these practices are widespread, but they are difficult to uncover and prove. We seek broader social action, and the judiciary must be more severe in dealing with these criminal acts. These are incredibly subtle problems which, under these conditions, become politically very sensitive. For example, bribery is becoming more and more evident in hiring practices and in health care, although this is referred to as 'gift-giving.' I think that an important role in wiping out such practices is played by the press, which should assist in the investigation of such practices and in this way contribute to creating a healthier social climate, constricting the field for bribery and corruption."

Praise for the Press

The institution of social supervision is a constitutional innovation dating from 5 years ago, still almost unknown to us. This story of the operation and experience of one commission was not chosen at random. This is as clear as the fact that the idea of social supervision cannot be confined in commissions or similar forms of activity. Our story is valuable to the extent that it serves as proof that the tasks cited earlier can be accomplished and stimulates us to think about the need for much greater involvement by the many elements of social work and life. Pavlovic tells us:

"The institution of social supervision has made significant progress. Our commission has brought a number of sensitive issues to the attention of the public. Almost every day we receive reports, not only from individuals but also from social, self-managing entities. We even receive reports from the autonomous provinces. We consider this as proof of the growing reknown of social supervision. We have accomplished a great deal to control negative phenomena but much more in prevention."

The commission chairman himself admits that this should not be interpreted as satisfactory progress. Social supervision is, in fact, least active where it is most needed--at opstina level, in organizations of associated labor, in local associations, etc. Social supervision comprises also self-managing workers' supervision, the courts of associated labor, and the public defenders for self-management.

"There should be much more cooperation among all the elements of social supervision. We have problems in the areas of prosecution (slowness) and sentencing (insufficient severity). Social supervision was conceived as a combination of coordinated activity by all social factors. Let us take, for example, the courts of associated labor. They cannot retain the forms of a traditional court; they must be in much closer contact with associated labor itself and with its interests. Or take the public defenders for self-management: they have jurisdiction over a whole complex of interpersonal relations in the working collectives. The cooperation of all factors is therefore indispensable."

[illegible] the conversation to an end. We ask Pavlovic the most specific question: "Considering the sensitivity of certain topics and 'cases' dealt with by the commission of which you are chairman, have there been any instances of interference or pressure?" Pavlovic answers without hesitation, transmitting a sense of conviction to his collocutor:

"In none of the efforts which we conducted was there any pressure or interference. We operated completely independently."

Our conversation has come to an end. But Pavlovic, as if not wanting to leave anything out, tells us:

"Our commission has operated in a completely open manner. The press has made the best possible use of this openness, cooperating with us and supporting us in these 'cases.' Together, we have been able to approach these problems not as scandals but as problems to be solved. I can state that the cooperation of the press has been complete and very correct.

[illegible]
CSO: 2800/342

MERGERS OF COMMERCIAL OFFICES ABROAD NOTED

Belgrade ILUSTROVANA POLITIKA in Serbo-Croatian No 1217, 2 Mar 82, pp 14-15

[Interview with Radoje Kontic, president of the FEC Coordinating Council, by Stevan Zec; date and place not given]

[Text] Instead of closing their offices and returning home, enterprises are joining commercial offices that function well. Nevertheless, soon a stop will be put to that practice.

When some 10 years ago and more large affairs began to take place in Yugoslav foreign trade--the reader will probably remember the cases of Bata Todorovic, Vracaric and others--work began at the same time on the Law on Commerce and Services With Foreign Countries and the Law on Performing Economic Activities Abroad. These laws were adopted by the Yugoslav Assembly in 1977, and the first results were expected by 31 December 1981. To accompany and expedite the implementation of all the regulations, all of the executive councils of the republics and provinces formed coordinating councils, and in addition a ninth one was formed at the Federal Executive Council.

Graduate engineer Radoje Kontic, a member of the Federal Executive Council and president of the Federal Coordinating Council, tells us the following:

"We expected basic changes in the activities of foreign-trade labor organizations, but only symbolic results were attained. True, there was some reduction in the number of foreign-trade labor organizations, but the number of production labor organizations that developed foreign-trade office systems increased. Domestically, 15,000-17,000 self-management agreements were concluded between merchants and producers, but they were often only formal and really were only new masks for the old manner of operation."

The basic achievement was that the number of networks of import-export enterprises was brought into accord with the number of Yugoslav republics and provinces. Now instead of a single network there are eight. Besides that, in practice there came to be ties between import-export enterprises, but only within the borders of republics and provinces. There are, however, even worse situations where these bonds are within the limits of a town, opstina or region.

Laws Are One Thing....

The year 1980 was to be the turning point in organizing foreign trade. Specifically, the coordinating councils examined the documentation of all labor organizations involved in import-export operations, and the law stipulated that those that were not abiding by three basic principles were to close up their foreign offices. The first condition for continued existence was that an enterprise must have exported more from Yugoslavia than it imported for the 3 years 1978, 1979 and 1980, by a ratio of at least 51:49. The second condition was that the firm's overall operations had to be free of losses, and that every foreign-trade office, even if it consisted of an individual, would have to show positive operational results. Yugoslav agents in East European countries were given expense limits that restricted expenses to 1.5 percent of the value of exports. For agents in developed Western countries, the expense limit was somewhat more generous, in that their expenses could not exceed 2.5 percent of exports from Yugoslavia.

The third, and to some people, most important condition involved the signing of self-management agreements. In fact that means that all who, for example, deal in textiles and have offices in the FRG must immediately sign an agreement on joint entry into that country. That agreement would establish the lowest price for Yugoslav textiles being exported to the FRG, and the highest price that may be paid for textiles imported from West Germany.

At the same time, precise regulations were established for each Yugoslav office abroad. The law stipulated such "details" as school equipment, the length of sojourn (with a 4-year maximum), and obligatory work in Yugoslavia for 2 years between stays abroad.

The republic and province coordinating councils sought data about these regulations, and received them from labor organizations involved in import-export operations, during the past year.

....But Practice is Something Else!

According to data received from 328 Yugoslav offices in East European countries, only 149 satisfactorily fulfill the requirements (49 percent of the total). Of the others 66 (20 percent) were "retested," while 91 offices (28 percent) did not receive approval for further operations. The remaining 13 offices are still being processed.

The Federal Executive Council's Coordinating Council has not yet examined our offices in the United States, Great Britain, Italy, Switzerland, Luxembourg or Lichtenstein, but that is under way right now. Up until last week, 308 offices in Western Europe, Canada and Japan had been examined and evaluated. Fewer than half of them, 144, or 47 percent, received positive evaluations, while 78 (33 percent) must make corrections in the coming 6 months, or they will suffer the fate of 86 (20 percent) offices that were ordered closed by 31 December 1981.

Radoje Kontic, president of the Federal Executive Council's Coordinating Council, explained why they still say these offices "should have been closed during the last days of last year" rather than "they were closed."

[Kontic] According to available data, so far a very small number of import-export labor organizations have complied with the decisions of their republic or province coordinating councils, or the FEC's Coordinating Council. We know for certain that of 16 offices in the Soviet Union, only 2 have been closed, and it is already the end of February.

We asked Comrade Kontic, "How is that possible?"

[Kontic] "From a legal viewpoint those offices no longer exist officially, because they have fictitiously joined other offices that received positive evaluations for their operations. That again is an abuse of self-management agreements and circumvention of the law. So that you will understand better, let me explain how they did it. Let's say Pera Peric, a representative of a Yugoslav firm in Bonn, did not receive permission to continue working because he was engaged solely in importing goods from the FRG to Yugoslavia. The costs of his office were greater than his total transactions. At the same time, another Yugoslav agent in the FRG, Marko Markovic of Frankfurt, operated well. He exported more Yugoslav goods to West Germany than he imported to Yugoslavia, and his operating expenses were less than 2.5 percent of his total exports from Yugoslavia. To abide by the law, on 31 December of last year Pera Peric would have had to be back in Yugoslavia, because his place of work was closed and his office furniture sold. In fact, however, he did not return, because he signed a self-management agreement with Marko Markovic, removed his firm name from the office and put up Marko's. But he continued to work as before. We are quite aware that Pera Peric outmaneuvered us."

Because of such cases, which number nearly 177, the Federal Executive Council has asked Yugoslav embassies and consulates in many countries to check the situation on the spot and, by 10 March of this year, send reports. Those who have evaded the law will be punished, according to Kontic. What sort of penalty? He did not know yet, they still have to determine the punishment.

A detailed examination of the commercial records of Yugoslav merchants abroad showed that there were offices, enterprises, and entire networks in certain countries that were involved exclusively in imports to Yugoslavia. If they exported anything from Yugoslavia at all, the total

value of such exports was but $200,000-$300,000 per year. There were also enterprises and offices that for years did not succeed in earning enough to pay for their water. More precisely, their total trade had a value less than their operating expenses for maintaining offices. There were also offices that did not employ a single Yugoslav citizen!

[Kontic] "There were offices that handled business amounting to barely $100 per year for imports and exports, but which showed excellent commercial results, with total capital resources of several million dollars. You ask how that can be possible? Those foreign trade firms of ours dealt exclusively with foreign commerce. They would, for example, buy goods in Italy, Spain or elsewhere, and sell them in the FRG or the USSR, in their so-called reexport operations. Such operations are not permitted by the laws, because in such dealings, regardless of the commissions they earn, our foreign trade representatives damage Yugoslavia by dealing with foreign goods instead of Yugoslav goods.

"Now the question is why that is permitted. This was known to the general director and to a few other people around him, but I would dare to say that the labor councils of those enterprises certainly had no perception of the true state of affairs. The degree of information distribution was poor, while commercial failure was hidden in various ways, so that even the working people were given explanations, they could not know everything that the commercial representative was doing abroad because that was supposedly a business and state secret.

"What interest could the general director and the people around him have in concealing the inactivity of their foreign representative? There can be various reasons. To have 'one's man,' let's say in Moscow or Frankfurt, is a big thing. The director can go visit him in an official visit at least once a year, and that can have its benefits."

We asked Kontic, "Are those personal reasons?"

[Kontic] "As a member of the Federal Executive Council, I am not acquainted with that aspect and therefore I cannot comment. I know that there are such cases. Nonetheless, I think that we should not generalize and say that everyone involved in foreign trade is a rascal or a crook. Cases such as you mention certainly exist, yet all people are not like that. I would like to say something else: There has been great resistance to implementing the laws, in the Federal Coordinating Council and in the republic and province councils. There is even greater resistance from the labor organizations whose offices are to be closed, to say nothing of the opposition from the people whose offices function ineffectively. Incidently--why should we hide it?--the sociopolitical communities also resist. We have received real support and understanding from delegates of the Yugoslav Assembly and the Federal Executive Council."

To Our Detriment

If the decision to close (at present only) 177 offices that operate ineffectively were to be enforced, which would mean a total of 300 positions abroad, Yugoslavia would stop wasting about 1.6 billion dinars

annually, in foreign exchange. Figure it out yourself: Every foreign position costs about 300 million old dinars according to estimates by the Secretariat for Foreign Trade.

The average income of these people fluctuates between $3,000 and 4,000 a month.

The records we have received mention the large reexport transactions of our merchants. At present the coordinating councils do not know the types of goods our merchants have been buying and selling abroad. The law has forbidden reexport transactions that directly harm the Yugoslav economy, i.e., where transit operations involve goods that Yugoslavia itself could be selling. Here is an example to show what our merchants in the wide world know.

Take the example of butter. Sometime before the Moscow Olympics, the USSR bought several tons of butter from Yugoslavia. When the Olympics were over, the butter remained unused. The USSR sold that butter to the GDR. The East Germans sold the butter to the Czechs, and the Czechs sold it to Yugoslavia. Imagine how much that butter traveled! In fact, it never left our cold storage. During those 5-6 months, it only traveled by telex, from Belgrade to Moscow to Berlin to Prague to Belgrade.

In the meantime, at first there was butter in our shops, and then it was missing completely. Then you may remember reading in the newspapers that "interventional imports had been approved." Well, that "intervention butter" was the same that was lying here in cold storage all the time, while the telex messages made a circle. That intervention butter had, however, a much higher intervention price. Someone had to pay for all the telex messages.

We had a final question for Comrade Kontic: "Why was foreign trade checked over when sometimes it is better not to know what is being done to you or who is doing it, than to know and be unable to do anything about it?

[Kontic] "It is true that we do not have the results we anticipated. Yet nevertheless, we are making progress, step by step, and it isn't true that we are impotent. Don't forget that in 1981, as a country, our trade deficit was not the planned $1.5 billion, but only $700 million."

When a man thinks about it more carefully, that is exactly right! What would have happened, however, if we had intervened much earlier with ome import-export enterprises and unemployed foreign representatives? Then where would we be?

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May 21, 1982